

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.1733 OF 2017

ORDER:

Heard Sri J. Ugra Narasimha, learned counsel for the petitioners.

2. The present petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Code') requesting to change the Additional Public Prosecutor representing the Sessions Case No.290 of 2012 on behalf of the State before the I Additional Sessions Judge, Chittoor, enabling the petitioners to get a fair trial as there is conflict of interest.

3. The learned counsel for the petitioners would submit that since inherent powers are vested by virtue of provisions of Section 482 of the Code, such a direction can be given by the High Court by entertaining the present petition.

4. It is true, Section 482 of the Code deals with exercise of inherent powers by High Courts, but, certainly, relief, which is sought herein, cannot be entertained and the present petition cannot be maintained. The reason being, from the contents of the petition, it is clear that the petitioners have got grievance against the present Additional Public Prosecutor, who is conducting the Sessions Case No.290 of 2012 on the file of the I Additional Sessions Judge, Chittoor, and for redressal of such grievance, the remedy lies

elsewhere, viz., Directorate of Prosecutions and the Principal Secretary for Home Department. Therefore, such a grievance can only be made to the concerned authorities for change of a Public Prosecutor to conduct the proceedings. The power under Section 482 of the Code is not intended for the said purpose.

Therefore, the Criminal Petition is rejected at admission stage. As a sequel thereto, miscellaneous petitions, if any, pending in the petition, stand closed.

A. SHANKAR NARAYANA, J

March 07, 2017.

Note: Dispatch the Order forthwith.
(B/O)
Mgr

