

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

[Special Original Jurisdiction]

MONDAY THE TWENTY SEVENTH DAY OF MARCH
TWO THOUSAND AND SEVENTEEN

PRESENT

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT
AND
HONOURABLE SRI JUSTICE U. DURGA PRASAD RAO
[DIVISION BENCH – V]

CRL.AMP.No. 627 OF 2017 IN CRL.APPEAL NO. 306 OF 2017
AND
CRIMINAL APPEAL NO. 306 OF 2017

Between:

The State of Telangana
Represented by its Public Prosecutor,
High Court of Judicature for the State
of Telangana & Andhra Pradesh
Hyderabad. ... Petitioner/Appellant
[complainant]

V/s.

Vollala Govardhan ... Respondent/Accused

Counsel for the Petitioner/
Appellant : PUBLIC PROSECUTOR [TG]

Counsel for the Respondent/
Accused : NONE APPEARED

The court made the following : [common judgment follows]

CRL.AMP.No. 628 OF 2017 IN CRL.A.NO. 306 OF 2017 – Per SKK, J.
SKK, J. & UDPR, J. – DB-V

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT
AND
HONOURABLE SRI JUSTICE U. DURGA PRASAD RAO

CRL.AMP.No. 627 OF 2017 IN CRL.APEAL NO. 306 OF 2017
AND
CRIMINAL APPEAL NO. 306 OF 2017

COMMON JUDGMENT : (O R A L)

{Per the Hon'ble Sri Justice Suresh Kumar Kait}

Crl.AMP.No. 627 of 2017 is filed by the petitioner/State under section 5 of Limitation Act, seeking to condone the delay of 470 days in presenting the appeal against the order in Spl.SC.No. 85 of 2012, vide judgment dated 02/09/2015 recorded by the Special Sessions Judge for Trial of Offences under SCs/STs [POA] Act-cum-V-Additional Sessions Judge, Karimnagar, whereby the respondent/accused was acquitted for the offences punishable under section 376, 302, 201 of IPC Section 3 [1] [xii] and Section 3 [2] [v] of SCs/STs [POA] Act, 1989.

2. As stated in the affidavit filed in support of the present application, the judgment was pronounced on 02/09/2015 and

certified copy of the judgment was made ready on 16/10/2015. The Additional Public Prosecutor offered his opinion on 16/10/2015, however, the present application along with the appeal filed on 10/03/2017.

3. It is pertinent to mention here that the Superintendent of Police, Karimnager after receiving the opinion of Public Prosecutor on 17/10/2015, sent the proposals to the Office of the Public Prosecutor, High Court, who sent the opinion to the Government on 03/11/2015 for sanction to file the appeal. Thereafter, the Government in its GO.Rt.No. 204, dated 24/3/2016 accorded sanction to file the appeal which was received in the office of the Public Prosecutor, High Court on 16/05/2016.

4. First of all, when the Government was of the view that the trial Court had ignored the relevant evidence and acquitted the accused and in that eventuality it is the duty of the Government to

move fastly and after receiving the opinion from Law Officer shall file appeal in time without any delay.

5. In the present case, the judgment was pronounced on 02/09/2015 and certified copy of the same was made ready on 16/10/2015. Thereafter on 16/10/2015 the Additional Public Prosecutor offered his opinion, despite, not filed in time. It shows the carelessness and callousness of the Police Department, which in such a matter moving the file on the turtle pace and not bothering about the limitation. It shows that they have done only eye-wash on the file and accordingly despite taking opinion on 16/5/2015 the present affidavit along with appeal filed on 10/3/2017.

6. In view of above, we are of the considered opinion that in the present petition, the delay has not been properly explained. Moreover, no steps taken immediately to file appeal. Accordingly, we find no ground to condone the delay of 470 days in present the

appeal and the petition is accordingly dismissed. Consequently,

Criminal Appeal No. 306 of 2017 is hereby rejected.

6. Before parting the order, we deem it appropriate to direct the Registry to send a copy of this order to the Director General of Police, State of Telangana and State of Andhra Pradesh and to the Director of Prosecution, State of Telangana and State of Andhra Pradesh, who will make their house in order, so that if required, they will file the appeal in time without any inordinate delay, failing which this Court shall take departmental action against the concerned responsible officer.

7. As a sequel, miscellaneous petitions if any, pending in the above criminal appeal shall stands disposed of.

JUSTICE SURESH KUMAR KAIT

JUSTICE U. DURGA PRASAD RAO

27/03/2017

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CRL.AMP.No. 628 OF 2017 IN CRL.A.NO. 306 OF 2017 – Per SKK, J.
SKK, J. & UDPR, J. – DB-V

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT
AND
HONOURABLE SRI JUSTICE U. DURGA PRASAD RAO



{Per the Hon'ble Sri Justice Suresh Kumar Kait}

Date: 27/03/2017
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