

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL REVISION CASE No.1710 of 2015

ORDER:

Impugning the alleged dismissal order of discharge of the petitioner passed by the learned Special Judge for SPE & ACB Cases-cum-III Addl. District and Sessions Judge, Vijayawada, dated 05-08-2015 in CrI.M.P.No.1804 of 2014 in C.C.No.20 of 2014 out of Crime No.26/ACB-CIU-HYD/2011 for the offence punishable under Sections 7 and 13 (2) r/w.13 (1)(d) of P.C. Act, the revision is maintained by the accused/petitioner.

The contentions in the ground of revision and the oral submissions of learned counsel for the revision petitioner are that the trial Judge did not properly consider the material on record and mechanically disposed of the application filed by the petitioner without even considering the scope of law laid down on the expressions of the Hon'ble Apex Court in ***Dilawar Balu Kurane v. State of Maharashtra (Appeal (Crl.) 8 of 202)*** and the impugned order is liable to be set aside.

Whereas the learned Standing Counsel for ACB for the State of Andhra Pradesh submits that the impugned order no way requires interference, hence to dismiss the revision.

Heard and perused the material available on record.

There is a positive yield of the result of phenolphthalein test of receiving of the tainted sum. Though receiving of the amount itself is not the criterion from **Suraj Mal v. State (Delhi Administration) [AIR 1979 Supreme Court 1408]** that is to be required on full-fledged trial as to prosecution version is correct or not regarding receiving of said amount from any defence of accused. Thereby the impugned order of the lower Court no way requires interfere, but for to say the trial Court shall not be influenced by the dismissal of the discharge application in considering any defence of the accused in deciding the case on own merits after full dressed trial.

Accordingly, the Criminal Revision Case is dismissed.

Miscellaneous Petitions pending consideration, if any, in the CrI.R.C. shall stand closed in consequence.

Dr. B. SIVA SANKARA RAO, J

March 20, 2017

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