

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL REVISION CASE NO.1990 OF 2017

ORDER:

This criminal revision case is filed challenging the order in C.F.R.No.690 of 2017 in C.C.No.10 of 2014 dated 06.07.2017 passed by the Special Judge for Trial of SPE & ACB Cases, Kurnool.

The petitioner is Accused Officer No.1 in C.C.No.10 of 2014. He preferred the present revision case questioning the propriety and legality of the order referred above invoking jurisdiction of this Court under Sections 397 & 401 Cr.P.C. When entire trial is completed and arguments were heard by the Court below and when judgment is yet to be pronounced, the Inspector of Police, A.C.B., Kurnool Range, Kurnool filed a memo before the Court below, requesting the Court below not to pronounce the judgment in C.C.No.10 of 2014 on the ground that the petitioner filed CrI.R.C.No.1656 of 2017 against the order in CrI.M.P.No.276 of 2014 in C.C.No.10 of 2014 and the petitioner also filed CrI.R.C.MP.No.2662 of 2014 to grant interim suspension and this Court granted interim suspension on 30.01.2014 in CrI.M.P.No.276 of 2014 in C.C.No.10 of 2014. The trial was completed against the petitioner/A.O-1 and the case was posted for judgment. Thereafter, it was requested not to pronounce the judgment in C.C.No.10 of 2014, as it would cause prejudice to the prosecution as well as to the petitioner. However, the first respondent filed counter/objections stating that the petitioner

never filed any application before the High Court seeking stay of pronouncement of judgment or seeking stay of proceedings in C.C.No.10 of 2014. But, the High Court only granted interim suspension order in Crl.M.P.No.276 of 2014 in connection with matter pertaining to A.O-2 only. The Court below observed that, in view of pendency of Crl.R.C.No.1656 of 2016, discharge order passed in favour of A.O-2 is suspended and therefore, the case against A.O-2 can also be proceeded, as there was no stay. When the criminal revision is pending against A.O-2, the judgment against A.O-1 cannot be pronounced, since it would cause prejudice to both the parties and adjourned the case till disposal of Crl.R.C.No.1656 of 2016, pending against the A.O-2. Challenging the order, the present revision is filed on the ground that the Court below shall not adjourn the case till disposal of Crl.R.C.No.1656 of 2016 and it is against the principles of law laid down by various Courts regarding speedy disposal of criminal cases and requested this Court to set-aside the impugned order.

Today, this Court pronounced the order in Crl.R.C.No.16456 of 2017 dismissing the revision filed by the Inspector, A.C.B., Kurnool Range. Even otherwise, postponement of disposal of C.C.No.10 of 2014 and adjourning pronouncement of judgment in C.C.No.10 of 2014 based on a memo until disposal of Crl.R.C.No.1656 of 2016 is illegal on the face of it, since passing such an order would cause serious prejudice to the A.O-1, who faced trial, in view of serious consequences that may flow due to result in C.C.No.10 of 2014, A.O-1 suffered mental agony. Even

otherwise, passing a judicial order on a memo is unknown to law and the memo is not contemplated either in criminal rules of practice or criminal procedure code. But, it is only intimation. Therefore, passing such a detailed order on the memo, adjourning pronouncement of judgment in C.C.No.10 of 2014 till disposal of Crl.R.C.No.1656 of 2014 is a serious irregularity and illegality committed by the Court below. Therefore, such an order cannot be sustained and by exercising power under Sections 397 & 401 Cr.P.C, this Court can interfere with such illegal and irregular orders passed by the Court below. Therefore, the order passed by the Court below is hereby set-aside, directing the Court below to pronounce the judgment in C.C.No.10 of 2014, as expeditiously as possible, in any event not later than one month from the date of receipt of copy of this order.

With the above direction, criminal revision case is allowed.

Consequently, miscellaneous applications pending if any, shall stand dismissed. No costs.

JUSTICE M. SATYANARAYANA MURTHY

Date: 15.09.2017

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