

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.10208 of 2018

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner aggrieved of the notice, dated 05.01.2018, issued under Section 91 of the Code of Criminal Procedure, 1973 (for short 'the Code'), by the Range Inspector – I, Anti-Corruption Bureau, Vijayawada Range, whereby a request was made to the petitioner to freeze the transactions relating to the vehicles mentioned in the said notice and to furnish the details as sought for in the notice for further investigation into the Crime No.15/RCA-ACB-VJA/2017 registered under Section 13(2) read with Section 13 (1)(e) of the Prevention of Corruption Act, 1988, on the file of the Anti-Corruption Bureau, Vijayawada Range.

2. I have heard the submissions of the learned counsel for the petitioner and of the learned Government Pleader for Home (A.P.) appearing for the first respondent. The second respondent is Anti-Corruption Bureau, Vijayawada Range. I have perused material record.

3. Learned counsel for the petitioner would submit that Section 91 of the Code has no application to the facts of the present case and, therefore, the Officer of the Anti-Corruption Bureau is not empowered to issue the impugned notice by invoking the said Section of law; that in response to the said notice, the petitioner has already submitted a representation,

dated 22.02.2018; that the same was received by the Inspector of Police, Anti-Corruption Bureau, Vijayawada Range, on 23.02.2018; that pursuant to the said representation, no further action has been taken and that because of the impugned notice, the petitioner is being put to irreparable loss.

4. Recording the submissions, the writ petition is disposed of directing the Range Inspector – I, Anti-Corruption Bureau, Vijayawada Range, to consider the representation, dated 22.02.2018, of the petitioner, and take a considered decision in the matter, as expeditiously as possible, preferably, within two weeks from the date of receipt of a copy of this order, by strict adherence to the procedure established by law, however, after giving an opportunity of hearing to the petitioner.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

M.SEETHARAMA MURTI, J

Date: 29.03.2018
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