HON'BLE SRI JUSTICE P. KESHAVA RAO

WRIT PETITION No.16478 of 2014

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader appearing for respondent Nos.1 and 2.

The prayer sought in the writ petition is as under:

> "... to issue writ, order or direction more particularly one in the nature of writ of mandamus to declare the action of the respondent No.1 issued the G.O.Rt.No.2361, Law (LA & J – Home – Courts – A1) Department dated 21.12.2013 appointed the respondent No.4 as Special Public Prosecutor to conduct the prosecution in S.C.No.495 of 2012 on the file of Hon'ble II Addl. Asst. Sessions Judge, Rajahmundry is illegal, arbitrary in violation of Sec. 24 of Cr.P.C. and in violation of Art. 21 of Constitution of India and consequently set aside the same."

During the course of hearing, the learned Government Pleader placed on record letter No.321/A2/2018 dated 16.11.2018 issued by the Additional Director of Prosecutions (FAC) addressed to the office of the learned Government Pleader.

A perusal of the said letter would indicate that the Director of Prosecutions will take steps to withdraw the appointment of Sri S. Kumar as a Special Public Prosecutor to conduct the prosecution in S.C.No.495 of 2012 on the file of the II Additional Assistant Judge, Rajahmundry, in G.O.Rt.No.2361 dated 21.12.2013. However, it is mentioned that the said withdrawing of the appointment of Sri S. Kumar as a Special Public Prosecutor will be subject to the orders of this Court.

On a query raised on such rider, the learned Government Pleader informed the Court that since the writ petition is pending before this Court, the Director of Prosecutions is not in a position to take a decision. On that the learned counsel for the petitioners fairly conceded that if another advocate is being appointed as a Special Public Prosecutor to conduct the prosecution in S.C.No.495 of 2012, the petitioners have no objection to withdraw the writ petition.

Accordingly, the writ petition is dismissed as withdrawn. No costs.

Miscellaneous petitions, if any, shall also stand dismissed.

P. KESHAVA RAO, J

Date: 28.11.2018.
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