

THE HON'BLE SRI JUSTICE P. KESHA RAO

CRIMINAL PETITION Nos.8512/2017 & 9543/2017

COMMON ORDER:

Heard the learned counsel for the petitioner as well as learned Special Public Prosecutor for the respondent-State.

Since the issue in both the criminal petitions is one and the same relating to disposing of CC.No.42 of 2016 and CC.No.7 of 2013 on the file of the First Additional Special Judge for SPE & ACB Cases, Hyderabad, with the consent of both the counsel, the common order is being passed.

The prayer sought for in the Criminal Petition No.8572 of 2017 is as under:

“It is therefore prayed that this Hon'ble Court may be pleased to direct the First Additional Special Judge for SPE & ACB Cases, Hyderabad to dispose of simultaneously C.C.No.42 of 2016 pending before it in the interest of justice and such other relief as the Hon'ble Court deem fit and proper in the circumstances of the case.”

The prayer sought for in the Criminal Petition No.9543 of 2017 is as under:

“It is therefore prayed that this Hon'ble Court may be pleased to direct the First Additional Special Judge for SPE & ACB Cases, Hyderabad to dispose of simultaneously C.C.No.7 of 2013 pending before it in the interest of justice and such other relief as the Hon'ble Court deem fit and proper in the circumstances of the case.”

However, during the course of hearing, the learned Special Public Prosecutor for the respondent-State would submit that as

far as CC.No.7 of 2013 is concerned, the prosecution has already completed its evidence and the matter is coming up for defence evidence. As far as CC.No.42 of 2016 is concerned, it is ripe for trial. Therefore, the learned Special Public Prosecutor would oppose consideration of these two applications on the ground of maintainability as the petitioner has not filed these applications before the Court below i.e. First Additional Special Judge for SPE & ACB Cases, Hyderabad. As these criminal petitions are filed straight away in this Court, this Court is of the opinion that these applications are not maintainable. Further to try both the cases together and the evidence that will be adduced in both the cases and if they are tried together whether it will prejudice the rights of the petitioner can be considered only by the Court below after looking into the evidence. Therefore, this Court is of the opinion that these two applications are not maintainable.

Accordingly, both the criminal petitions are dismissed. However, liberty is given to the petitioner to move similar application before the Court below if he desires to move and, if any such application is filed, the same may be considered, in accordance with law. There shall be no order as to costs.

Miscellaneous petitions pending, if any, in these Criminal Petitions shall stand closed.

JUSTICE P.KESHA RAO

Date: 27/03/2018

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