

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CRIMINAL REVISION CASE NOS.3115 AND 3116 OF 2018

COMMON ORDER:

These revisions arise out of docket orders, dated 28.09.2018, passed in C.C.Nos.19 of 2014 and 18 of 2014 respectively by the Special Judge for SPE & ACB Cases-cum-II Addl. District and Sessions Judge, Nellore.

2. Heard the learned counsel for the petitioners, learned Special Public Prosecutor for ACB Cases and perused the material available on record.

3. Learned counsel for the petitioners submits that this Court, vide orders, dated 26.04.2016 in Transfer Crl.P.Nos.129 of 2016 and 128 of 2016 has passed the following order:

“Considering the facts and circumstances of the case and in view of pendency of Crl.P.Nos.3434 and 3663 of 2016 before this Court, without proceed with the case in C.C.Nos.19 of 2014 and 18 of 2014 till disposal of Crl.P.Nos.3434 and 3663 of 2016.

With the above direction, the Transfer Criminal Petitions are disposed of.”

4. By virtue of the above order, the proceedings in the trial Court were not taken up for some time. Thereafter, on 28.09.2018, the trial Court has passed the order in view of the recent judgment of the Hon'ble Supreme Court in Crl.A.Nos.1375-1376 of 2013 and batch, dated 28.03.2018, wherein it was observed that in all pending matters before the High Court or other Courts relating to Prevention of Corruption Act, or all other civil or criminal cases, where stay of proceedings in pending trial is operating, stay will automatically lapse after six months from 28.03.2018, unless extended by a speaking order on above parameters.

The trial Court has further stated in its order that the High Court granted stay till the disposal of CrI.P.Nos.3434 and 3663 of 2016. The accused did not get any speaking order from the High Court that the stay is extended even after 28.09.2018 and therefore, in view of the judgment of the Hon'ble Supreme Court in the aforesaid case, the Court resumed proceedings in C.C.Nos.19 of 2014 and 18 of 2014.

5. Learned counsel for the petitioners challenged the said orders contending that there is stay pending in their favour in view of the order passed in Tr.CrI.P.Nos.129 and 128 of 2016.

6. Learned Special Public Prosecutor for ACB cases submits that by virtue of the judgment of the Hon'ble Supreme Court in the case referred above, all orders of stay will automatically lapse after 6 months from 28.03.2018. The petitioners have not filed any petitions for extension of stay and therefore, the order passed by the trial Court does not require any interference.

7. Having regard to the facts and circumstances of the case and in view of the submission made by the Special Public Prosecutor, the order of the trial Court proceeding with the trial does not require any interference in view of the judgment of the Hon'ble Supreme Court referred above. Admittedly, no petitions are filed for extension of stay after 28.09.2018. Therefore, there are no valid grounds for consideration of these revisions.

8. Accordingly, the Criminal Revision Cases are dismissed. However, liberty is given to the petitioners to avail the remedies available to them under law.

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

GUDISEVA SHYAM PRASAD, J

DATED: 16-11-2018

Hsd

Note: Issue CC by 19.11.2018.

