

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.44401 OF 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking verbatim the following reliefs:

“For the reasons stated in the accompanying affidavit, filed in support of the Writ Petition, the Petitioner prays that this Hon’ble Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, order or direction, declaring the inaction of the 2nd Respondent in appointing Special Public Prosecutor as per Sec.12 of the A.P. Protection of Depositors of Financial Establishment Act 1999 to conduct prosecution of offences under the Act 1999 in Crl.M.P.No.1185/2010 on the file of VIII Addl District and Sessions Judge, Court: Vijayawada, as arbitrary, illegal, and in violation of Article 14 of constitution of India and Principles of Natural Justice and consequently to direct Respondent Nos.1 to 3 to take steps for expeditious disposal of prosecution of Crl.M.P.No.1185/2010 on the file of VIII Addl District and Sessions Judge, Court: Vijayawada, and rateable distribution of sale amount among the Depositors by conduction public auction of the attached properties through court of law, in the interest of justice and pass such other order as the Hon’ble Court deem fit and proper in the circumstances of the case.”

2. I have heard the submissions of Sri Shafath Ahmed Khan, learned counsel for the petitioner, and of the learned Government Pleader for Home (A.P.), appearing for respondent Nos.1 to 3. I have perused the material record.

3. Learned Government Pleader for Home, on oral instructions, submits that G.O.Rt.No.294, Home (Courts.A) Department, dated 19.04.2018, was issued and *vide* the said Government Order, the following order has been passed:

“Government after careful examination of the proposal submitted by the Joint Director of Prosecutions & Additional Director of Prosecutions (FAC), O/o. Directorate of Prosecutions, A.P., Vijayawada, hereby, direct the special Public Prosecutor – cum – Additional Public Prosecutor Gr.I. Special Court for trial of offences under A.P. Protection of Depositors Financial Establishment Act, 1999, Vijayawada – cum – Metropolitan Sessions Judge Court, Vijayawada, to conduct prosecution under A.P. Protection of Depositors Financial Establishment Act, 1999, before the Additional Special Court under A.P. Protection of Depositors Financial Establishment Act, 1999 – Cum – VIII Additional District and Sessions Judge Court, Vijayawada, till the regular Special Public Prosecutor is appointed.

2. The Joint Director of Prosecutions & Additional Director of Prosecutions (FAC), O/o. Directorate of Prosecutions, A.P., Vijayawada is requested to take necessary follow up action in the matter.”

In that view of the matter, no cause survives for adjudication in this writ petition insofar as the relief with regard to appointment of a Special Public Prosecutor for conduct of prosecution.

4. Be that as it may, insofar as the further relief to direct the respondents 1 to 3 to take steps for prosecution and expeditious disposal of CrI.M.P.No.1185 of 2010, on the file of the aforestated Special Court, filed for rateable distribution of the deposits by conducting a public auction of the attached properties through Court of law, there is no need to go into the said aspect in this writ petition, since a Special Public Prosecutor has been appointed as per the aforestated orders and the petitioner can now approach the Special Court and seek appropriate remedies, which the law permits. Hence, this Court need not go into the said other aspect, i.e., the above said other relief claimed in the writ petition.

5. Recording the said submissions and taking into consideration the aforesaid orders, the Writ Petition is disposed of accordingly. There shall be no order as to costs.

Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE M.SEETHARAMA MURTI

Date: 20.04.2018

Note:- Furnish C.C. within one week.

B/O
AMD



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AMD