

THE HONOURABLE SRI JUSTICE P.KESHA RAO

CRIMINAL PETITION No. 24798 of 2017

ORDER :

Heard the learned counsel for the petitioner as well as the learned Special Public Prosecutor for the respondent No.1-State.

The prayer sought for in the Criminal Petition is as under :

“.... To quash the proceedings against the petitioner in C.C.No.24 of 2017 on the file of Special Judge for Trial of SPE and ACB Cases, Kurnool”.

The facts of the case are that the respondent No.2 herein, who is the *de facto* complainant met the Additional Assistant Engineer, Gosampalli Mahaboob Peera, petitioner herein in connection with agricultural electricity connection. The petitioner herein informed to the *de facto* complainant that for preparing the estimates and forwarding the estimates to superior officers, he demanded bribe amount of Rs.15,000/- from the respondent No.2. In the month of May, 2016, the petitioner informed to pay an amount of Rs.29,920/- in connection with the four agricultural service connections and the *de facto* complainant paid the amount of Rs.29,920/- in the month of May itself. Thereafter, four electricity connections were sanctioned in the name of parents and junior paternal uncle of the *de facto* complainant. Since the petitioner was transferred to D.Hirehal mandal, but he was kept incharge of Assistant Engineer, Rayadurgam, on 15.11.2016 the *de facto* complainant met the petitioner and requested to erect the DP and issue electricity service connection. In turn, the petitioner

informed the *de facto* complainant that as he did not pay the bribe amount of Rs.15,000/- till date, as promised earlier, he will not issue the electricity service connections. Aggrieved by the same and since the *de facto* complainant was not willing to pay the demanded bribe amount, he lodged a complaint with the Inspector, Anti Corruption Bureau, Ananthapuram. After verification, on 25.11.2016, the complaint of respondent No.2 was registered as a case in Crime No.6/RCT-ATP/2016 under Section 7 of Prevention of Corruption Act against the petitioner herein. On 25.11.2016 a trap was arranged at his office and the trap proved to be successful. During the course of the trap proceedings, it was clearly demonstrated from the charge sheet that at the instance of the petitioner herein, the amount was received by the accused No.2, from whose custody, the amount was recovered. After investigation, charge sheet has been filed in the Court below and cognizance of the offences was taken and numbered the same as C.C.No.24 of 2017. Aggrieved by the same, the present criminal petition is filed.

Learned counsel appearing for the petitioner would contend that by the date of demand, there was no official favour pending with the petitioner herein. Therefore, no case is made out. However, since the trap was successful and the demanded bribe amount was recovered from the personal custody of the respondent No.2, who received the amount at the instance of the petitioner herein, this Court feels that it is not a fit case to entertain the present criminal petition to quash the proceedings.

Be that as it may, the disputed questions viz., whether demand and official favour are there or not, cannot be decided in a petition filed under Section 482 Cr.P.C. and the same can be elicited only during the course of trial.

Therefore, this Court feels that there are no merits in the criminal petition and without expressing anything on merits, the criminal petition is dismissed.

Miscellaneous petitions, if any pending, shall stand closed.

JUSTICE P.KESHA RAO

Date : 04.04.2018
slk



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