

HIGH COURT FOR THE STATE OF TELANGANA
THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE DR. JUSTICE SHAMEEM AKTHER
WRIT APPEAL No.119 of 2019
15.07.2019

Between:

Central Bureau of Investigation

...Appellant

and

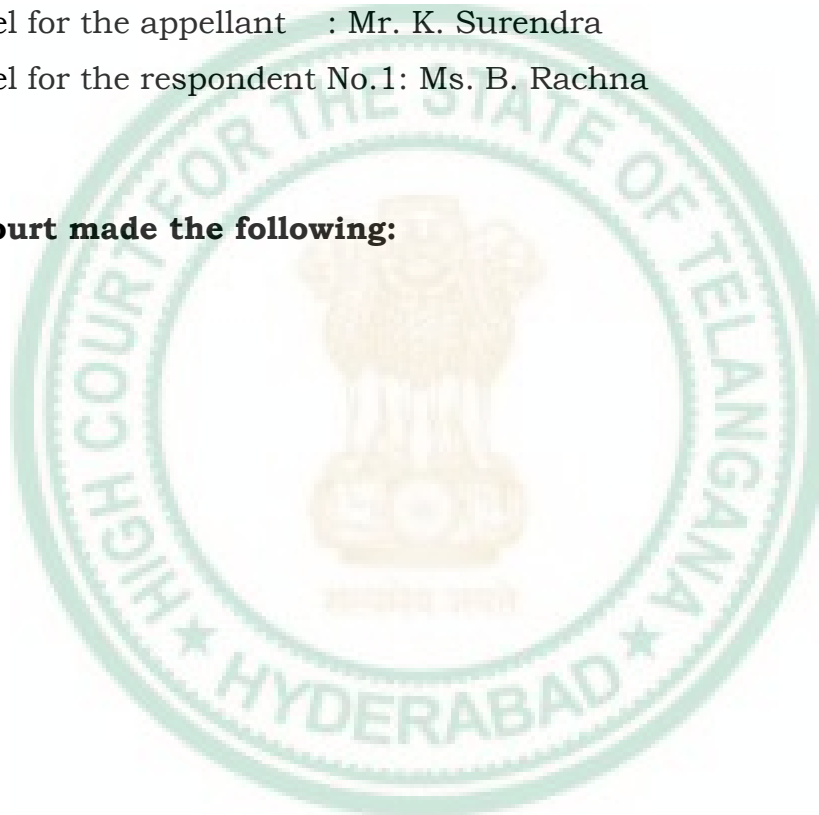
A. Sreenivasa Reddy and others.

...Respondents

Counsel for the appellant : Mr. K. Surendra

Counsel for the respondent No.1: Ms. B. Rachna

The Court made the following:



JUDGMENT: (Per the Hon'ble the Chief Justice Sri Raghvendra Singh Chauhan)

The Central Bureau of Investigation, the appellant, has challenged the legality of the order dated 30.10.2018 passed by a learned Single Judge in W.P.No.33297 of 2016, whereby the learned Single Judge has set aside the sanction order dated 11.04.2015, and has allowed the writ petition filed by the respondent No.1, Mr. A. Sreenivasa Reddy.

This Court has raised a pointed query to Mr. K. Surendra, the learned counsel for the appellant, whether an intra-court appeal is maintainable against an order passed under Article 226 of the Constitution of India, which deals with the criminal issue?

The learned counsel for the appellant has frankly conceded that in the case of **Ram Kishan Fauji vs. State of Haryana [(2017) AIR (SCW) 1535]**, the Hon'ble Supreme Court has clearly opined that such an intra-court appeal would not even be maintainable.

Therefore, this Court dismisses the present writ appeal solely on the ground of its non-maintainability before this Court. However, it is clarified that the appellant shall be free to avail any other remedy available to it under the law. There shall be no order as to costs.

The miscellaneous petitions pending, if any, shall stand closed.

RAGHVENDRA SINGH CHAUHAN, CJ

DR. SHAMEEM AKTHER, J

15th July, 2019
JSU

High Court for the State of Telangana

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(Per the Hon'ble the Chief Justice Sri Raghvendra Singh Chauhan)

Date: 15.07.2019

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