

THE HONOURABLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.39360 of 2013

ORDER:

Heard learned counsel for the petitioner as well as learned
Standing Counsel for ACB appearing for the 4th respondent.

2. The prayer sought in the writ petition is as under:-

“....to issue a writ, order or directions, one more particularly in the nature of Writ of Mandamus declaring that the inaction of respondent No.4 in not conducting fair, proper impartial, unbiased investigation in respect of FIR 17/ACB/CIU-Hyd/2011, dated 12-5-2011 under section 13 (1) (c) (d) of prevention of corruption Act 1988 (Act 49 of 1988) and sections 409, 410, 468, 471 and 477 of IPC read with 120(b) IPC against office bearers of HCA and not acting strictu-sensu as obligated under section 156 to 173 Cr.P.C. and Sections 93, 96 and 99 of Cr.P.C. as malafide, arbitrary, illegal and non-est thereby issuing necessary guidelines:

a) To respondents to ensure the functional independence and integrity of the 4th Respondent in investigating, prosecuting the accused for offences as per Prevention of Corruption Act, 1988, Indian Penal code by strictly complying the provisions as contemplated under Section 156 to 173 and Section 93, 96 and 99, other provisions of Cr.P.C.

b) To monitor investigation into the FIRs and continue the mandamus to ensure free and impartial investigation into offences disclosed in the FIR 17/ACB/CIU-Hyd/2011, dated 12-5-2011 under section 13 (1) (c) (d) of prevention of corruption Act 1988 (Act 49 of 1988) against all the persons involved therein irrespective of the status, position without any interference from Respondent 1 to 3 or any other persons involved in government/society and to complete investigation strictly as per the provisions of Cr.P.C. to a logical legal conclusions in the interest of justice and pass such other order or orders as the Hon'ble court may deem fit and proper in the circumstances of the case.”

3. Learned Standing Counsel for ACB brought to the notice of this

Court that pursuant to the registration of Crime No.17/ACB-CIU-

HUD/2011, investigation is completed and report has been placed before the Director General, ACB, for approval. It is also brought to the notice of this Court that the charge sheet will be filed within 10 days, after obtaining sanction from the Government.

4. In the light of the said fact, this Court is of the opinion that no further cause would survive in the writ petition. Since the charge sheet is already filed, the remedy available to the petitioner is to raise objections by way of filing a protest application.

5. Accordingly, the writ petition is disposed of, with a liberty to the petitioner to file objections, if any, on the charge sheet, as per law.

As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

2nd December 2019

mar

P. KESHAVA RAO, J