

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**THURSDAY, THE SEVENTEENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SMT JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION NO: 11814 OF 2024

Between:

B. Srinivas, S/o. Mallaiah, Aged about 43 years, Occ. Assistant Engineer
(Electrical) Operation, NPDCL Karimnagar, Telangana State.

...Petitioner

AND

1. The State of Telangana, Represented by Public Prosecutor/Special PP, High Court for the state of Telangana at Hyderabad.
2. The Anti-Corruption Bureau, Through Inspector of Police, KNR-Range, Karimnagar.

...Respondents

Petition under Section 528 BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to a) Quash the impugned order dated 09/08/2024, passed in CrI.M.P. No. 657/2024 in CrI.M.P. No. 228/2022 in CC No. 89 of 2015 on the file of the Special Judge for Trial of SPE and ACB Cases, Karimnagar, Direct the learned trial court to allow the Petitioner to summon LW12, the Chairman and Managing Director of TGNPDCL, as a witness at the pre-charge stage. Grant any others relief.

I.A. NO: 2 OF 2024

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to Stay all further proceedings in CC No. 89/2015 on the file of Special Judge for Trial of SPE and ACB cases, Karimnagar pending disposal of the above criminal petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri D. Ramakrishna, Advocate for the Petitioner and the Sri Sridhar Chikyala, Special Public Prosecutor on behalf of the Respondent.

The Court made the following: ORDER

HON'BLE SMT. JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION No.11814 of 2024

ORDER:

Challenging the order dated 09.08.2024 passed in CrI.M.P.No.657 of 2024 in CrI.M.P.No.228 of 2022 in C.C.No.89 of 2015 by the learned Special Judge for Trial of SPE and ACB Cases, Karimnagar, this criminal petition is filed. By the impugned order, the application filed by the petitioner/Accused Officer No.1 under Section 311 Cr.P.C. to summon and examine LW-12, who is the Chairman and Managing Director, TGNPDCL, Warangal as a witness at pre-charge stage, was dismissed.

2. Heard Sri D.Ramakrishna, learned counsel for the petitioner and Sri Sridhar Chikyala, learned Special Public Prosecutor for the State and perused the material on record.

3. Case of the petitioner is that C.C.No.89 of 2015 was filed against him and in the said case, a discharge application under

Section 239 of Cr.P.C. was filed. In the said application, the petitioner intends to examine LW-12 to establish that the informant/LW-1 was not having *locus standi* to lodge report, as he was not a beneficiary and LW-12 accorded sanction for prosecution casually without taking these facts into consideration. In the absence of such valid sanction, the Court cannot take cognizance of the offence. It is further contended that as per Section 311 of Cr.P.C., Court may, at any stage of proceedings, can summon/examine any person, if his evidence is essential for the just decision of the case and this section applies to enquiries and trials also.

4. Learned Special Public Prosecutor opposed the application contending that the trial Court has rightly dismissed the application filed by the petitioner and there are no grounds to interfere with the same.

5. In the facts and circumstances of the case, since the petitioner is disputing the very according of sanction for his

prosecution by LW-12, this Court is of the considered view that it is a fit case where petitioner can be given an opportunity to examine LW-12.

6. Accordingly, this criminal petition is allowed, setting aside the impugned order dated 09.08.2024 passed in CrI.M.P.No.657 of 2024 in CrI.M.P.No.228 of 2022 in C.C.No.89 of 2015 by the learned Special Judge for Trial of SPE and ACB Cases, Karimnagar and the trial Court is directed to issue summons to LW-12 by fixing a date and the learned counsel appearing for the petitioner in the trial Court is directed to examine LW-12 on the date specified by the trial Court, or else, this order stands cancelled.

Miscellaneous applications, if any pending, shall also stand closed.

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Sd/- A. SRINIVASA REDDY
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Special Judge for Trial of SPE and ACB Cases, Karimnagar.
2. Two CCs to Public Prosecutor for ACB Cases Telangana. [OUT]
3. One CC to Sri D. Ramakrishna, Advocate [OPUC]
4. Two CD Copies

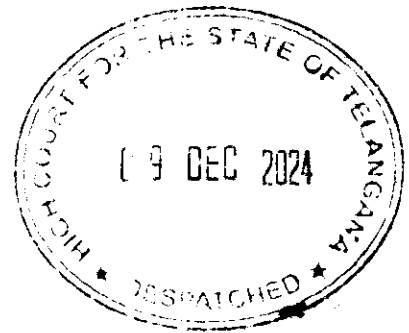
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HIGH COURT

DATED:17/10/2024

ORDER

CRLP.No.11814 of 2024



ALLOWING THE CRIMINAL PETITION

(7)
28/11/24
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