

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

**THURSDAY, THE TWENTY SECOND DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY TWO**

:PRESENT:

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA



IA No. 1 OF 2022

IN

CRLP NO: 7581 OF 2022

Between:

1. G.Venkata Ramana, S/o G. Narayana, Aged about 57 years, Occ. Former Asst. Executive Engineer, Adoni Municipality, Kurnool District, R/o 7/98-1, Subbireddy Kottalu, Proddatur, Kadapa, Andhra Pradesh.
2. C. Rama Murthy,, S/o C. Kullappa, Aged about 55 years, Occ. Former Asst. Engineer, Adoni Municipality, Kurnool District, R/o 7-125-6, Old Bus Stand, Raja Talkies Back Side, Dhone, Kurnool, Andhra Pradesh.

...Petitioners/Accused Nos.5 & 6

AND

1. The State of Andhra Pradesh, Rep. by the Public Prosecutor, (CID), High Court of Andhra Pradesh at Amaravati.
2. G. Raghunath Reddy, Commissioner, Adoni Municipality, Kurnool District.

...Respondents/Complainant

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the memorandum of grounds filed in Criminal Petition, the High Court may be pleased to grant stay of all further proceedings, as against the Petitioners herein, including the arrest of the Petitioners herein in F I R.No.51 of 2022, dated 12.07.2022 on the file of the CID Police Station, Andhra Pradesh, Amaravati, Mangalagiri, for the offences under Sections 420, 409, 403 and 120-B of the Indian Penal Code and Section 13(2) of the Prevention of Corruption Act, 1988, pending disposal of CRLP No.7581 of 2022, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri N Ashwani Kumar, Advocate for the Petitioners and of Sri Y L Sivakalpana Reddy, Standing Counsel-cum-Special Public Prosecutor, CID for the Respondent No.1, the court made following;

ORDER:

"Heard learned counsel for the petitioner and learned Standing Counsel for C.I.D.

Learned counsel for the petitioners drawing the attention of this Court to the articles of charges framed against the petitioners submits that there are no allegations of misappropriation of funds by the petitioners and the charges made against them amount to negligence and dereliction of their duties. He also submits in the similar circumstances interim order was granted in Crl.P.No.6044 of 2022 dated 08.08.2022.

Learned Standing Counsel on the other hand submits that the FIR is registered on the basis of vigilance report dated 28.02.2019 and that the departmental proceedings and the criminal action are different matter is under investigation and warrants no interference. She places reliance on the decision of the Hon'ble Supreme Court in Union of India vs. Dalbir Singh, Civil Appeal No.5848 of 2021, dated 21.9.2021. She submits that the petitioner failed to obtain anticipatory bail and thereafter filed the present Criminal petition. She requests time for filing counter.

Considered the submissions made by the respective counsel and perused the material on record. Though the learned Standing Counsel submits that the present action has been initiated against the petitioner pursuant to vigilance report dated 28.02.2019, which it is different from the departmental action, this Court is unable to accept the same as on the basis of the very same report the disciplinary proceedings were initiated against the petitioners wherein there are no charges much less allegations of misappropriation are leveled against the petitioners.

In view of the same, there shall be stay of all further proceedings, as prayed for, in FIR No.51 of 2022 on the file of CID P.S., A.P., Amaravathi, Mangalagiri, in so far as the petitioners/Accused Nos.5 & 6 are concerned, for a period of eight weeks."

Sd/- B. PRASADA RAO
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Station House Officer, CID Police Station, Andhra Pradesh, Amaravati, Mangalagiri.
2. G. Raghunath Reddy, Commissioner, Adoni Municipality, Kurnool District. (By RPAD)
3. One CC to Sri. N Ashwani Kumar, Advocate [OPUC]
4. One CC to Sri. Y L Sivakalpana Reddy(SC CUM SPL PP,CID) [OPUC]
5. One spare copy.

MSB

HIGH COURT

NJS,J

DATED:22/09/2022

ORDER

LIST THE MATTER ALONG WITH CRLP.Nos.5584, 6044 & 6409 of 2022

IA No.1 OF 2022
IN
CRLP.No.7581 of 2022

INTERIM STAY

