

ITEM NO.3

COURT NO.3

SECTION II

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s).  
1764-1765/2013

(Arising out of impugned final judgment and order dated 25/09/2012 in CRLP No. 6806/2012, CRLP No. 6855/2012 passed by the High Court Of Judicature At Hyderabad For The State Of Telangana And The State Of Andhra Pradesh)

STATE OF A.P.

Petitioner(s)

VERSUS

T. PATTABHIRAMA RAO ETC. ETC.

Respondent(s)

(with appln. (s) for ad-interim ex-parte stay and office report)

WITH

SLP(Crl) No. 1375/2013

(With appln.(s) for stay and Office Report)

SLP(Crl) No. 1766/2013

(With appln.(s) for stay and Office Report)

SLP(Crl) No. 5008/2013

(With appln.(s) for bail and appln.(s) for bail and Office Report)

Date : 24/09/2014 These petitions were called on for hearing  
today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR

HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s)

Mr. L.N.Rao, ASG,  
Mr. P.V.Reddy, Adv.  
Mr. Sumanth Nookala, Adv.  
Mr. D. Mahesh Babu, Adv.

Ms. Madhurima Tatia, Adv.

For Respondent(s)

Mr. P.V.Shetty, Sr. Adv.  
Mr. M. P. Shorawala, Adv.  
Mr. Shivendra Singh, Adv.

Mr. Pravin Satale, Adv.

Mr. Rajiv Shankar Dvivedi, Adv.

Ms. Bharti Tyagi, Adv.

Mr. Amitesh Kumar, adv.  
Mr. Chandra Prakash, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

In these SLPs, the State of Andhra Pradesh has assailed final judgments and orders dated 25.09.2012 and 11.10.2012 passed by the High Court of Judicature for Telangana and Andhra Pradesh releasing respondents in the said SLPs on bail pending trial. In connected SLP(Crl.) No. 5088 of 2013 the petitioner assails an order dated 30.04.2013 whereby High Court has declined bail to the petitioner.

It is a common ground that respondents in SLP(Crl.) Nos. 1764-1765 of 2013 as also petitioner in SLP(Crl.) No. 5008 of 2013 all arrayed as accused persons in Cr. No. 8/ACB-CIU Hyderabad in CC 12 of 2012 pending before Principal Special Judge SPE and ACB cases Hyderabad. The charge-sheet in the said case was filed by the Investigating agency as far back as on 03.12.2011 in which the Trial Court has not even framed charges sofar. Not only that since 20.12.2013 the Trial Court is without a Presiding Officer Mr. L.N.Rao, learned ASG

on instructions submits that in the absence of a Presiding Officer no progress has been made in CC No. 12/2012. He submits that posting of a Presiding Officer is the prerogative of the High Court but that fact remains that the State does not appear to have taken up the issue with the High Court for an early posting of a suitable officer to take up the pending matters. It is noteworthy that the case in question has attracted considerable public attention inasmuch as payment of a huge amount of bribe running into crores of rupees to A 1 Pattabhirama Rao, a Judicial Officer with a view to securing bail for A-9 Janardhan Reddy is what is alleged by the prosecution. Janaradhan reddy is in turn alleged to be an accused in Obulapuram Mining scam. Certain cases are being investigated by the CBI in regard to the alleged scam in which also charge-sheet have been filed before the jurisdictional court. Grant of bail to the respondents in the present cases has been assailed by the State primarily on the ground that there was no real justification for the High Court to have extended that concession to the alleged racketeers. Be that as it may the position that obtains today is that

although a charge-sheet has been filed as early as in the year 2012 no meaningful headway has been made in the case by the trial court primarily because of the transfer of the officer concerned and omission of the High Court to post suitable officer in his place. Mr. Rao, argued that keeping in view the nature of the accusations made in the instant case, a suitable direction for posting of a presiding officer deserved to be issued.

Mr. M.N.Krishnamani, learned senior counsel for the petitioner in the connected SLP (Crl.) No. 5008 of 2013 submitted that all the accused persons involved in CC No. 12 of 2012 have already been enlarged on bail by the High Court. Besides there are no prospectus of an early commencement and conclusion of the trial. Such being the case there is no justification for denial of bail to the petitioner in SLP(Crl.) No. 5008 of 2013 who is said to have facilitated the payment of bribe to the Presiding Officer- Respondent No. 1 in SLP(C) No. 1764-65 of 2013.

The contention urged by Mr. Krishnamani is not without merit. A charge-sheet having been filed as

early as in the year 2012, the trial court ought to have heard the accused persons for framing of charges and the trial should have in the ordinary course commenced by now especially when one of the accused persons was denied bail by the High Court and the case involved serious ramifications for the rest. Be that as it may the fact remains that the trial has not commenced partly if not wholly because of absence of the Presiding Officer. Denial of bail to the petitioner in SLP (Cr1.) No. 5008 of 2013 would therefore be unfair having regard to the fact that he has been in custody for 2½ years and all others involved in the alleged episode have already been granted bail. We are in that view of the matter inclined to grant interim bail to the petitioner in SLP(Cr1.) No. 5008 of 2013 with a direction that he shall be enlarged from custody on his furnishing bail bonds in a sum of Rs. 2,00,000/- with two sureties in the like amount to the satisfaction of the Trial Court. We further direct that the said petition shall forbear from tampering with the evidence or delaying the commencement or completion of the trial in any manner.

In the peculiar facts and circumstance of the case we also deem it proper to request the High Court of A.P. to post a suitable officer as Principal special Judge SPE & ACB Hyderabad to ensure that commencement and the completion of the trial is not indefinitely delayed. We hope and trust that the High Court would do the needful as early as possible and in any case within six weeks from today. The Judicial Officer once posted to the Court will take up the matter on a day today basis, hear the alleged persons on the question of framing of charges and proceed with the trial without any delay.

These petitions shall in the meantime stand over for further orders and direction to be posted after six weeks by which time we expect the Registrar of the High Court to communicate to this Court the fact of a Presiding Officer having been posted to the court concerned.

(Shashi Sareen)  
Court Master

(Veena Khera)  
Court Master