

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 (CrI.) No. 2461/2000

(From the judgement and order dated 20/06/2000 in CRLP 1474/2000
of The HIGH COURT OF A.P AT HYDERABAD)

STATE OF A.P.

Petitioner (s)

VERSUS

MADDU LAKSHMANA RADO

Respondent (s)

(With Appln(s). for stay)

Date : 27/11/2000 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M. JAGANNADHA RAO
HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

For Petitioner (s) Ms. K. Amreshwari, Sr. Adv. with
Mr. Guntur Prabhakar, Adv.

For Respondent (s) Mr. L.N.Rao, Adv.
Mr. Pijush K. Roy, Adv.
Mr. Pranab Kumar Mullick, Adv.

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

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.SP2

Leave granted.
The appeal is allowed in terms of the signed
order.

.SP1

(K.K. Chawla)
Court Master

(D.D. Jindal)
Court Master

[Signed order is placed on the file]

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IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2000@@
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Arising out of SLP(CrI.) No.2461 of 2000

VERSUS

O R D E R@@
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.SP2

Leave granted.

This is a case where Inspector of Police registered an FIR on 17.1.1996 and investigated into the case and conducted a search on 18.1.1996. According to him, the respondent was found in possession of disproportionate assets to the tune of Rs.20,96,970/- and submitted his final report to the higher authorities and sought sanction from the Government.

The Government issued a Notification No.G.O.Ms. No.10 dated 7.1.1999 authorizing the Inspector of Police ACB to investigate all the offences. The Government thereafter issued G.O.Ms. No.123 dated 3.3.2000 and accorded sanction for prosecution of the respondent.

At that stage, the respondent filed a writ petition bearing No.2247 of 2000 before the High court of Andhra Pradesh challenging the validity of Section ...2/-

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13(1)(e) of the Prevention of Corruption Act. Thereafter, the respondent withdrew his writ petition and filed Criminal Petition No.1474 of 2000 before the High Court under Section 482 Cr.P.C. seeking the quashing of the criminal proceedings and further investigation on the ground that the complainant and the investigation officer is one and the same and both cannot be the one. The High Court allowed the said application.

On a plain reading of the facts, we find that the District Inspector of Police only submitted a report to the Additional Director, ACB, on the basis of information received by him. The High Court has wrongly held that the complainant and the Investigation Officer were one and the same and quashed the investigation. The High Court should not have so lightly interfered under Section 482 Cr.P.C. We, therefore, set aside the order of the High court and allow the investigation and further proceedings to be conducted by Inspector to whom the investigation has been entrusted. The appeal is accordingly allowed.

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.....J.
(M. Jagannadha Rao)

.....J.
(K.G. Balakrishnan)

New Delhi,
November 27, 2000.