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IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.317 OF 2001

T. NARAYANA MURTHI ..APPELLANT(S)

VERSUS

STATE OF A.P. ..RESPONDENT(S)

ORDER

Two persons, namely, K. Venkatesham and J. Anjaneyulu were prosecuted under Section 22 of the Narcotic Drugs And Psychotropic Substances Act, 1985 (in short "NDPC Act") before the Metropolitan Sessions Judge, Hyderabad in Sessions Case No.258 of 1997. They were convicted under Section 22 of the NDPS Act by the judgment and order dated 30th June, 1998. Feeling aggrieved by their conviction and sentence, they preferred Criminal Appeal No.1213 of 1998 before the Andhra Pradesh High Court. The learned Single Judge by the judgment and order dated 26th April, 2000 allowed the criminal appeal and acquitted the accused. In the last paragraph of the judgment the learned Single Judge made the following observations:

"Therefore, it is a fit case where the Government has to conduct an enquiry as to how such lapses could have occurred on the part of the Investigating Officer and also the Public Prosecutor concerned. Therefore, I direct the Government to initiate an enquiry and take appropriate action against the officer concerned and also the concerned Public Prosecutor for the lapses as noted above."
The present appeal by special leave has been preferred by

the Public Prosecutor challenging the aforesaid remarks made against him in the judgment.

We have heard learned counsel for the Appellant and learned counsel for the State of Andhra Pradesh.

In our opinion, the observations made by the High Court do not call for any interference. The learned Judge hearing the appeal found that the case has not been properly conducted on account of certain lapses on the part of the Investigating Officer and the Public Prosecutor. He, therefore, directed that an enquiry be held and

appropriate action be taken. The appellant cannot have any grievance against holding of an enquiry. The High Court has not recorded any finding that the appellant was guilty of misconduct. It has merely directed holding of an enquiry.

In these circumstances, we do not consider it a fit case for interference under Article 136 of the Constitution. The appeal is, accordingly, dismissed.

.....J.
(G.P. Mathur)

.....J.
(G.S. Singhvi)

New Delhi;
November 15, 2007.
ITEM NO.103

COURT NO.7

SECTION II

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS
CRIMINAL APPEAL NO(s). 317 OF 2001

T. NARAYANA MURTHI

Appellant (s)

VERSUS

STATE OF A.P.

Respondent(s)

(With appln(s) for stay/direction)

Date: 15/11/2007 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.P. MATHUR
HON'BLE MR. JUSTICE G.S. SINGHVI

For Appellant(s) Mr. A.T.M. Sampath, Adv.
Mrs. T.S. Shanthi, Adv.

For Respondent(s) Mrs. D. Bharathi Reddy, Adv.

UPON hearing counsel the Court made the following
ORDER

The appeal is dismissed in terms of the signed order.

(K.K. Chawla)
Court Master

(Radha R. Bhatia)
Court Master

[Signed order is placed on the file]