
(2017) 06 AP CK 0065
In the Andhra Pradesh High Court
Case No : 2146 of 2016

Annapureddy Subba Reddy	Vs	APPELLANT
State (Inspector of Police, ACB)		RESPONDENT

Date of Decision : 29-06-2017

Acts Referred:

[Code of Criminal Procedure, 1973](#), [Section 397](#), [Section 401](#) - Calling for records to exercise powers of revision - High Courts powers of revision
[Indian Penal Code, 1860](#)

Citation : (2017) 06 AP CK 0065

Hon'ble Judges : M. Seetharama Murti

Bench : SINGLE BENCH

Advocate : J. Prabhakar, Udaya Bhaskara Rao

Judgement

1. This Criminal Revision Case, under Sections 397 and 401 of the Code of Criminal Procedure, 1973, (the Code) is filed by the petitioner/A1 having been aggrieved of the orders, dated 18.07.2016, of the learned Special Judge for SPE & ACB Cases-cum-II Additional District & Sessions Judge, Nellore, passed in Crl.M.P.no.220 of 2016 in C.C.no.9 of 2016.
2. I have heard the submissions of Sri J.Prabhakar, learned counsel representing Sri K.Raghavacharyulu, learned counsel appearing for the petitioner, and of Sri Udaya Bhaskara Rao, learned Standing Counsel for ACB, appearing for the respondent/State of AP. I have perused the material record.
3. On merits and by the order impugned in the revision case, the trial Court dismissed the application filed by the petitioner under Section 239 of the Code for his discharge. Therefore, the aggrieved petitioner is before this Court.
4. On consideration of the pleadings and submissions, it appears that the following are the two grounds, based on two sets of contentions, urged by the petitioner-A1 (i) the charges are groundless and that the averments in the charge sheet, the evidence collected and the incidental circumstances on

consideration do not disclose even a prima facie case, leave alone a strong case; and, hence, the petitioner is entitled to be discharged; and, (ii) the sanction orders issued by the Government of Andhra Pradesh are invalid; therefore there is no valid sanction to prosecute the petitioner-A1; and, hence, the petitioner-A1 is entitled to be discharged.

5. In support of the first ground, the case of the petitioner/A1 and the submissions made on his behalf, in brief, are as follows: - A charge sheet is filed in the above said case against the petitioner/A1 for the offences punishable under Sections 7 and 13(2) read with 13(1) (d) of the Prevention of Corruption Act, 1988 (Act 49 of 1988) (hereinafter referred to as Act of 1988). No prima facie case is made out against the petitioner for the said offences. The charge against the petitioner is groundless. No allegation is made that he is habitually corrupt. No case is made out for framing a charge under Section 7 of Act of 1988. The petitioner is innocent and did not commit any offence. The allegations in the prosecution case are false. No official favour pertaining to LW1-S.Siva Reddy is pending with the petitioner at any point of time. The petitioner never demanded or accepted any bribe amount as alleged in the prosecution case. The petitioner never received any cover containing currency notes and never instructed A2 to receive any cover from the said LW1. The petitioner/A1 is not the competent authority to issue the releasing orders for the Lorries of LW1 and three others. No proper preliminary enquiry was conducted and the background of the case was also not properly considered. The trap panchanama does not reflect the true and correct facts. The correct version is not incorporated in the said panchanama. It is prepared by incorporating a false version. Both the accused are honest and upright and are also vigilant in discharge of their duties. They never allowed illegal sand quarrying and transportation. Since the petitioner/A1 and A2 did not allow illegal activities of LWs 1 to 3, they bore grudge against the petitioner-A1 and got foisted a false case by giving a false complaint to the ACB officials. The colour test is not properly conducted. The colour test done on the petitioners hands did not yield colour. Hence, the petitioner is entitled to be discharged. However, the trial Court erroneously dismissed the application of the petitioner. The observation of the trial Court that there is a prima facie evidence or prima facie material against the petitioner to frame charges for the offence with which he is charged is erroneous and is baseless. 5.1 Per contra, the case of the prosecution and the submissions made on its behalf are as follows: - A perusal of the entire record, which lead to the filing of the charge sheet, makes it manifest that there is not only a prima facie case but a strong case for prosecuting the petitioner-A1. There are grounds to frame charges and try him for the offences with which he is charged. In view of the said facts, the petition is not maintainable and is liable for dismissal in limine. The law is fairly well settled that unless the Special Judge considers the charge against the accused to be groundless, he shall not discharge the accused. The allegations that the petitioner never demanded and accepted the bribe and other allegations in the petition are false. The version of the prosecution is only

correct. The learned Special Judge recorded valid reasons while dismissing the petition filed by the petitioner/A1 for his discharge.

5.2 On a plain perusal of the entire material on record placed before this Court and the order of the Court below, on the aspect as to whether there are sufficient grounds to proceed against the petitioner/A1, it is clear that the averments/contents in the charge sheet, the evidence collected during the course of investigation and the other incidental facts & circumstances are sufficient to come to a safe conclusion that there is prima facie case/strong case for holding that the charges against the petitioner-A1 are based on sufficient grounds. Therefore, the finding of the Court below that there is prima facie material and grounds for framing charges against the petitioner-A1 and trying him for the offences with which he is charged warrants no interference.

6. Dealing now with the aspect of validity of the sanction order, it is necessary to refer to the contentions of the parties on this aspect. 6.1 Learned counsel for the petitioner-A1 contends as follows: -

Admittedly, in the case on hand, sanction was accorded, on 27.01.2016, vide Proceedings no.1072/E1/2013, of the Director of Mines and Geology, Hyderabad, Government of Andhra Pradesh. It is also not in dispute, that as on that date, the petitioner/A1 was provisionally/tentatively allotted to the State of Telangana. Since the sanction orders are issued by the Director of Mines & Geology, Government of AP, subsequent to such tentative allotment of the petitioner/A1 to the State of Telangana and after he is relieved from his duties with immediate effect so as to enable him to report to the State of Telangana, the sanction order issued by the Government of AP is not a valid sanction order and that, therefore, there is no valid sanction to prosecute the petitioner-A1. The petitioner is entitled to be discharged on this ground alone. The trial Court did not appreciate the provisions of Act of 1988 and that of the A.P. State Reorganization Act, 2014, and came to an erroneous conclusion that the sanction order given by the Government of AP is valid to prosecute the petitioner/A1 though the said State Government is not competent to do so once the petitioner was allotted to the State of Telangana. The observation of the trial Court that the allotment of the petitioner/A1 to the State of Telangana is provisional and for that reason also, the sanction order issued by the State of AP is valid is erroneous and is not based on proper interpretation and consideration of the provisions of law.

6.2 Learned counsel for the petitioner also has drawn the attention of this Court to certain provisions of A.P. State Re-organization Act, 2014, whereby the existing State of AP was reorganised into two states, i.e., State of AP and the State of Telangana.

6.3 On the other hand, the learned Standing Counsel placing reliance on Section 19(2) of the Act of 1988, would contend that the sanction order is valid. He would further submit as follows: - After following the procedure, necessary record was submitted to the Government. After meticulous examination of the

entire record, the sanctioning authority, having applied its mind to the facts of the matter accorded sanction to prosecute the accused officer. Since the Office which the petitioner-A1 was alleged to have misused or abused was the Office of the Assistant Geologist in the department of Mines and Geology in the State of Andhra Pradesh, the Government of Andhra Pradesh is alone competent to accord sanction even if sanction is necessary.

6.4 In view of the rival contentions, it is necessary to refer to infra the relevant provisions of the AP State Re-Organization Act, 2014, and Section 19 of the Act of 1988.

A.P. State Re-Organization Act:

S. 77. Provisions relating to other services: (1) Every person who immediately before the appointed day is serving on substantive basis in connection with the affairs of the existing State of Andhra Pradesh shall, on and from that day provisionally continue to serve in connection with the affairs of the State of Andhra Pradesh unless he is required, by general or special order of the Central Government to serve provisionally in connection with the affairs of the State of Telangana:

Provided that every direction under this sub-section issued after the expiry of a period of one year from the appointed day shall be issued with the consultation of the Governments of the successor States.

(2) As soon as may be after the appointed day, the Central Government shall, by general or special order, determine the successor State to which every person referred to in sub-section (1) shall be finally allotted for service, after consideration of option received by seeking option from the employees, and the date with effect from which such allotment shall take effect or be deemed to have taken effect:

Provided that even after the allocation has been made, the Central Government may, in order to meet any deficiency in the service, depute officers of other State services from one successor State to the other:

Provided further that as far as local, district, zonal and multi-zonal cadres are concerned, the employees shall continue to serve, on or after the appointed day, in that cadre:

Provided also that the employees of local, district, zonal and multi-zonal cadres which fall entirely in one of the successor States, shall be deemed to be allotted to that successor State:

Provided also that if a particular zone or multi-zone falls in both the successor States, then the employees of such zonal or multi-zonal cadre shall be finally allotted to one or the other successor States in terms of the provisions of this sub-section.

(3) Every person who is finally allotted under the provisions of sub-section

(2) to a successor State shall, if he is not already serving therein, be made available for serving in the successor State from such date as may be agreed upon between the Governments of the successor States or, in default of such agreement, as may be determined by the Central Government:

Provided that the Central Government shall have the power to review any of its orders issued under this section.

78. Other provisions relating to services:

(1) Nothing in this section or in section 77 shall be deemed to affect, on or after the appointed day, the operation of the provisions of Chapter I of Part XIV of the Constitution in relation to determination of the conditions of service of persons serving in connection with the affairs of the Union or any State:

Provided that the conditions of service applicable immediately before the appointed day in the case of any person deemed to have been allocated to the State of Andhra Pradesh or to the State of Telangana under section 77 shall not be varied to his disadvantage except with the previous approval of the Central Government.

(2) All services prior to the appointed day rendered by a person,

(a) if he is deemed to have been allocated to any State under section 78, shall be deemed to have been rendered in connection with the affairs of that State;

(b) if he is deemed to have been allocated to the Union in connection with the administration of the successor State of Telangana, shall be deemed to have been rendered in connection with the affairs of the Union, for the purposes of the rules regulating his conditions of service.

(3) The provisions of section 77 shall not apply in relation to members of any All-India Service.

Section 19 of the Act of 1988:

19. Previous sanction necessary for prosecution.

(1) No court shall take cognizance of an offence punishable under sections 7, 10, 11, 13 and 15 alleged to have been committed by a public servant, except with the previous sanction,

(a) in the case of a person who is employed in connection with the affairs of the Union and is not removable from his office save by or with the sanction of the Central Government, of that Government;

(b) in the case of a person who is employed in connection with the affairs of a State and is not removable from his office save by or with the sanction of the State Government, of that Government;

(c) in the case of any other person, of the authority competent to remove him

from his office.

(2) Where for any reason whatsoever any doubt arises as to whether the previous sanction as required under sub-section (1) should be given by the Central Government or the State Government or any other authority, such sanction shall be given by that Government or authority which would have been competent to remove the public servant from his office at the time when the offence was alleged to have been committed.

(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974),

(a) no finding, sentence or order passed by a special Judge shall be reversed or altered by a court in appeal, confirmation or revision on the ground of the absence of, or any error, omission or irregularity in, the sanction required under sub-section (1), unless in the opinion of that court, a failure of justice has in fact been occasioned thereby;

(b) no court shall stay the proceedings under this Act on the ground of any error, omission or irregularity in the sanction granted by the authority, unless it is satisfied that such error, omission or irregularity has resulted in a failure of justice;

(c) no court shall stay the proceedings under this Act on any other ground and no court shall exercise the powers of revision in relation to any interlocutory order passed in any inquiry, trial, appeal or other proceedings.

(4) In determining under sub-section (3) whether the absence of, or any error, omission or irregularity in, such sanction has occasioned or resulted in a failure of justice the court shall have regard to the fact whether the objection could and should have been raised at any earlier stage in the proceedings.

Explanation. For the purposes of this section,

(a) error includes competency of the authority to grant sanction;

(b) a sanction required for prosecution includes reference to any requirement that the prosecution shall be at the instance of a specified authority or with the sanction of a specified person or any requirement of a similar nature.

6.5 On this aspect of validity of sanction, learned counsel for the petitioner also relied upon the following decisions:

(i) P.L.Tatwal v. State of Madhya Pradesh : The facts of the case are as follows: The appellant was an employee of the Municipal Corporation. The Municipal Corporation at one point of time was presided over by an Administrator, on ad hoc arrangement made by Government when elected committee is superseded/dissolved. However, for prosecution of the appellant, sanction was accorded by the Standing Committee, by its order dated 27.08.1996. The appellant contended that as the elected committee is superseded or dissolved at the

relevant time and as the appointment of the appellant was at the time when the Municipal Corporation was ruled by the Administrator, the Standing Committee of the Municipal Corporation is not competent to accord sanction for prosecution of the appellant under the PC Act. Rejecting the contention, the Supreme Court held that though it so happened that the appointment of the appellant was at a time when the Municipal Corporation was ruled by the Administrator, that does not mean that there should be an Administrator to take any decision with regard to the sanction for prosecution of the appellant under the PC Act and that the statute is very clear that the authority competent to remove an officer from service is the authority to give sanction for prosecution and the appellant being an employee drawing salary of more than Rs.400/- per month, the authority competent to remove him from service is the Standing Committee; and that it is the Standing Committee, which gave the sanction and therefore, the trial Court and the High Court cannot be faulted in taking the view that there was an order of sanction for prosecution from the competent authority. This decision was relied upon in support of the contention that sanction must be given by the competent authority, which is competent to remove an officer from service and that as on the date of according sanction, the competent authority to remove the petitioner is Director, Mines & Geology, Government of Telangana, but not the Government of AP.

(ii) *State of Uttarakhand v. Yogendra Nath Arora* : The facts of the case are as follows: The accused prayed for his discharge inter alia contending that the materials on record are not sufficient for framing of the charge and further, in the absence of valid sanction from the competent authority, as required under Section 19(1)(c) of the Act, the trial Court cannot legally proceed. The learned Judge of the trial Court observed as follows: .the question of sanction being merely an incident to the trial of the case is not to be considered at this stage. It is undoubtedly true that the accused was an employee of the State of Uttar Pradesh and was on deputation to the State of Uttaranchal and under the subordination and administrative control of the State of Uttaranchal. Thus, the question of sanction being incidental to the trial of the case and on perusal of the record, there is sufficient material on record to charge the accused, the accused shall be charged under Section 7 read with Sections 13(1)(d) and 13(2) of the Prevention of Corruption Act, 1988. Accordingly, the learned Special Judge rejected the prayer of the accused. The accused contended before the High Court that the accused being an employee of an undertaking of the State Government of Uttar Pradesh, the State Government of Uttarakhand is not competent to grant sanction. This submission found favour with the High Court and the High Court held that the sanction accorded is not valid and quashed the prosecution. The State of Uttarakhand filed Special Leave Petition before the Supreme Court. The Supreme Court having regard to the facts of the case and the legal position obtaining, considered the following question, whether the expression removal from service would mean dislodging him from holding that office and shifting him to another office. The Supreme Court also considered the issue as to whether the

power of State Government of Uttarakhand to repatriate the accused would mean that it has power to remove him. The Supreme Court finally held as follows: In our opinion, office means a position which requires the person holding it to perform certain duties and discharge certain obligations and removal from his office would mean to snap that permanently. By repatriation, the person holding the office on deputation may not be required to perform that duty and discharge the obligation of that office, but nonetheless he continues to hold office and by virtue thereof performs certain other duties and discharge certain other obligations. Therefore the power to repatriate does not embrace within itself the power of removal from office as envisaged under Section 19(1)(c) of the Act. The term removal means the act of removing from office or putting an end to an employment. The distinction between dismissal and removal from service is that former ordinarily disqualifies from future employment but the latter does not.. The Supreme Court then referred to the decision in *V.K.Sharma v. State (Delhi Admn.)* [(1975)1 SCC 784] and dismissed the appeal.

Placing reliance on this decision, it is sought to be contended that since the petitioner/A1 is allotted to the State of Telangana, as on the date of according sanction, the sanction order granted by the Government of AP is invalid and that the sanction, if any, ought to have been granted by the competent authority of the State Government of Telangana and that therefore, there is absence of valid sanction from the competent authority as required under the provision of Section 19 of Act of 1988 and the trial cannot legally proceed.

6.6 However, the learned Standing Counsel relied upon the following proposition in the decision in *R.S.Nayak v. A.R.Antulay* : -Upon a true construction of Section 6, it is implicit therein that sanction of that competent authority alone would be necessary, which is competent to remove the public servant from the office, which he is alleged to have misused or abused for corrupt motive and for which a prosecution is intended to be launched against him.

6.7. Dealing with this main contention that the sanction accorded by the Government of Andhra Pradesh, on 27.01.2016, that is, after the tentative allotment of the petitioner-A1 to the State of Telangana is not a valid sanction, it is to be noted that in the case on hand, sanction was admittedly accorded, on 27.01.2016, vide Proceedings no.1072/E1/2013, of the Director of Mines and Geology, Hyderabad, Government of Andhra Pradesh. It is also not in dispute that as on that date, the petitioner/A1 was already provisionally/tentatively allotted to the State of Telangana. The copy of the proceedings no.14123/E1/2015-4, dated 30.06.2015, of the Director of Mines and Geology, Government of Andhra Pradesh, disclose that the Government, vide Memo no.10700/Estt./A1/2015-1, dated 30.06.2015, of the Secretary, Industries & Commerce (Estt.) Department, issued orders permitting the Director, Mines & Geology, Government of AP to relieve the employees and that accordingly the petitioner/A1, Assistant Geologist (under suspension), office of the Assistant Director, Mines & Geology (Vg), Nellore, who is tentatively allotted to Telangana State, was relieved of his

duties with immediate effect so as to enable him to report in the Telangana State. Accordingly, the petitioner/A1 was relieved with immediate effect so as to enable him to report in the State of Telangana.

6.8. Since the issue is about the validity of sanction, it is necessary to note the importance of requirement of sanction for prosecution of a public servant. Grant of sanction is not an idle formality but a solemn and sacrosanct act. Requirement of sanction provides an umbrella of protection to Government servants against frivolous prosecutions. Therefore, it is the duty of the competent authority to apply its mind before according sanction. Therefore, it unquestionably follows that the sanction to prosecution can be given by an authority competent to remove the public servant from the office, which he has misused or abused because that authority alone would be able to know whether there has been a misuse or abuse of the office by the public servant and not some rank outsider. It is undoubtedly true that only the authority competent to accord sanction must accord sanction that too after application of the mind to the facts, evidence collected and other incidental facts. The authority competent to remove alone would be able to accord sanction when the facts and evidence are placed before it to judge whether a serious offence is committed or the prosecution is frivolous or speculative. In the case on hand, the Office which the petitioner-A1 held as a public servant was the post of Assistant Geologist in the office of Assistant Director, Mines and Geology, Nellore, in the State of Andhra Pradesh, and he was alleged to have misused or abused the said office which he held in the State of Andhra Pradesh. Subsequently, he was tentatively allotted to the State of Telangana. The functions and duties of the said Office and its misuse or abuse by the person, who held the said office would be known to his superior officers in the State of Andhra Pradesh and the Government of Andhra Pradesh. As the misuse and abuse of office was said to have been committed while he held his Office as a public servant in the State of Andhra Pradesh, the sanction accorded by the Government of Andhra Pradesh is appropriate and the contention that the Government of Andhra Pradesh is not a competent authority to accord sanction, therefore, needs no countenance.

6.9. Coming to the provisions of State Reorganisation Act, which are already extracted supra, a plain reading of those provisions does not support the contentions of the petitioner-A1 more particularly in the light of the fact that his allotment is only tentative and as the acts and omissions constituting the offence and the misuse and abuse of the functions and duties of Office related to a post he held in the State of Andhra Pradesh before his tentative allotment to the State of Telangana. In the case on hand, admittedly, the petitioner was a public servant of the State of Andhra Pradesh at the time when the alleged acts of misuse and abuse of office constituting the offence were alleged to have been committed. Further, the allotment of the petitioner to the State of Telangana is tentative and not final. In that view of the matter, it can be said that till his allotment to the said State is final, he continues to be a public servant of the State of Andhra Pradesh and at least he holds a lien on his post in the said State

till his final allotment to one of the two States. As long as he holds a lien on his said post in the State of Andhra Pradesh till his allotment to the State of Telangana is made final, his said post in the State of Andhra Pradesh cannot be filled up by direct recruitment or promotion or transfer, as the case may be. In that view of the matter, the sanction accorded by the Government of AP is valid and his prior tentative allotment to the State of Telangana does not affect the validity of the sanction order.

6.10 Section 19(2) of the Act 48 of 1988, on a plain reading, makes it manifest that when there is any doubt as to which authority has to accord sanction, the sanction has to be accorded by that Government or authority which would have been competent to remove the public servant from Office at the time when the offence was alleged to have been committed. In this case, the competent authority or the Government, which is competent to remove the public servant from his office at the time when the offence was alleged to have been committed, is the Government of Andhra Pradesh.

7. Now it is apt to deal with the alternative contention of the learned Standing Counsel, which is as follows: - The petitioner-A1 during the period he was alleged to have committed the offence with which he is charged was working as a public servant in the State of Andhra Pradesh and discharged his functions and duties of Office as a public servant of that State. As per the case of the prosecution, the petitioner-A1 misused and abused his Office as a public servant while working in the State of Andhra Pradesh. Subsequently, by tentative allotment, he was allotted to the State of Telangana. By the date of according sanction by the Government of Andhra Pradesh, he was no doubt tentatively allotted to the State of Telangana. The relevant period with reference to which a valid sanction is a sine qua non is the period during which the acts and omissions constituting the offence were committed, but, not the date of according sanction. Admittedly, on his allotment to the State of Telangana, the petitioner-A1, who is a public servant, is not holding the same post which he held at the time of commission of the offence. On his allotment to the State of Telangana, since he was not holding the same post, which was alleged to have been misused or abused, he loses the protection under Section 19(1) of the Act 48 of 1988 though he continues to be a public servant albeit in a different State. On his allotment to another State, he was not holding that office which he was stated to have abused and ceased to hold that office and was holding a different office in a different State. Therefore, sanction at all is not necessary. 7.1. In support of the alternative contention, reliance is placed upon the decision in *L.Narayana Swamy v. State of Karnataka*. In this decision, the Supreme Court while answering the following question Whether a public servant who is not on the same post and is transferred (whether by way of promotion or otherwise to another post) loses the protection under Section 19(1) of the P.C. Act, though he continues to be a public servant, albeit on a different post, inter alia, held that where the public servant had abused the office which he held in the check period, but had ceased to hold that office or was holding a different office, then sanction would not be necessary

and that where the alleged misconduct is in some different capacity than the one which is held at the time of taking cognizance, there will be no necessity to take the sanction. The ratio in the decision appears to be that if a public servant continues to be a public servant but in a different capacity or is holding a different office than the one which he has alleged to have abused, still there would be no question of sanction. Further, the learned Standing Counsel contended that if on the date of taking cognizance, accused continues to be a public servant but in a different capacity or is holding a different Office than the one which was alleged to have been abused, then no sanction is required is the settled legal position laid down in the decision in *Abhay Singh Chautala v. Central Bureau of Investigation*. In *S.A.Venkataraman v. The State*, the question that fell for consideration was with regard to necessity for a sanction under Section 6 of the Prevention of Corruption Act, 1947, before a Court would take cognizance of offence under Section 151 of the IPC or Section 5 of the Prevention of Corruption Act or both alleged to have been committed by a person who at the time the Court was asked to take cognizance was not a public servant but was so at the time of the commission of the offence. On facts, it was found that the appellants ceased to be public servants at the time the Court took cognizance of the offences alleged to have been committed by them as public servants and hence, it was accordingly held that the provision of Section 6 of the Act did not apply and the prosecution against them was not vitiated by the lack of previous sanction by a competent authority.

7.2 In the case on hand, there is no need to dilate on this alternative contention, for the following reasons: The petitioner-A1, who is a public servant of the State of Andhra Pradesh, was alleged to have misused or abused the Office which he held at that time. However, subsequently and before the sanction is accorded by the Government of Andhra Pradesh for his prosecution, he was tentatively allotted to the State of Telangana. Thus, his allotment is not final. In the considered view of this Court, he might again be allotted to the State of Andhra Pradesh or his tentative allotment to the State of Telangana might be approved while finalising final allotments by the two States. These contingencies are not ruled out. Therefore, till his allotment is made final, he holds a lien on his post in the State of Andhra Pradesh and his post in the State of Andhra Pradesh, on his tentative allotment to the State of Telangana, cannot be filled up either by direct recruitment or by promotion or by transfer, as the case may be, till his allotment to the State of Telangana attains finality. Since the allotment of the petitioner-A1 in the State of Telangana is only tentative and not final, there is no need to consider the alternative contention of the learned Standing Counsel, in the considered view of this Court.

8. On the above analysis of the facts and law, this Court is of the considered view that the contentions of the petitioner-A1 are untenable and are, therefore, liable for rejection and are accordingly rejected confirming the order impugned in this revision case.

9. In the result, the Criminal Revision Case is dismissed. Pending miscellaneous petitions, if any, shall stand closed.