
(1999) 02 AP CK 0067
In the Andhra Pradesh High Court
Case No : Criminal P. No. 3607 of 1998

Kandi Buchi Reddy

APPELLANT

Vs

State of Andhra Pradesh

RESPONDENT

Date of Decision : 15-02-1999

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 196, 196(1)
Penal Code, 1860 (IPC) — Section 108

Citation : (1999) 3 ALD 193 : (1999) 1 ALD(Cri) 450 : (1999) 1 ALT(Cri) 455 :
(1999) 1 APLJ 405

Hon'ble Judges : Bilal Nazki, J

Bench : Single Bench

Advocate : Mr. D. Bhasker Reddy, for the Appellant; Public Prosecutor, for the Respondent

Judgement

1. Heard the learned Counsel for the petitioner and the Public Prosecutor.
2. A charge-sheet has been filed against the petitioner herein for the offences u/s 124-A and 506 IPC and u/s 8(1) of A.P. Public Security Act. The prosecution has been challenged on the ground that in terms of Section 196 of the Code of Criminal Procedure, before a Court takes a cognizance of the offence u/s 124-A IPC, sanction of appropriate Government is necessary. Section 196(1) of the Code of Criminal Procedure lays down:

"Section 196. Prosecution for offences against the state and for Criminal conspiracy to commit such offence: (1) No Court shall take cognizance of (a) any offence punishable under Chapter VI or u/s 153-A (Section 295-A or sub-section (1) of Section 505) of the Indian Penal Code (45 of 1860), or

(b) a criminal conspiracy to commit such offence, or

(c) any such abetment, as is described in Section 108-A of the Indian Penal Code (45 of 1860) except with the previous sanction of Central Government or the State Government."

Admittedly, Section 124-A IPC is an offence contained under Chapter-VI of the Indian Penal Code. Therefore, sanction of the appropriate Government is a pre-requisite for taking cognizance of the offence under the said Section. The learned Public Prosecutor has fairly conceded that before the charge-sheet was filed, no sanction has been obtained.

3. Under the above said circumstances, this petition is allowed and PRC 37 of 1998 is quashed.

circumstances