

(2012) 11 KAR CK 0049

In the Karnataka High Court

Case No : Criminal Revision Petition No. 1048 of 2012

Karnataka Power Transmission Corporation Ltd.

APPELLANT

Vs

K.H. Gopinath and Another

RESPONDENT

Date of Decision : 02-11-2012

Acts Referred:

Citation : (2013) 1 Crimes 354

Hon'ble Judges : A.N. Venugopala Gowda, J

Bench : Single Bench

Advocate : B.S. Sachin, for the Appellant; T.M. Gayathri, for the Respondent

Judgement

A.N. Venugopala Gowda, J.—Heard the learned counsel and perused the record. Assailing the order dated 14.12.2011 passed in Spl. C.C.C. No. 128/2010 by the learned Special Judge, Bangalore Urban District, Bangalore city the second respondent had filed Crl. R.P. No. 250/2012.

2. Respondent No. 1 was prosecuted by respondent No. 2 for the offences punishable under sections 7 and 13(1)(d) read with 13(2) of the Prevention of Corruption Act, 1988. At the stage of framing charge, considering the objection raised by the accused and finding that the sanction order produced has not been issued by the competent authority, the learned Trial Judge passed the impugned order. The prosecution i.e., 2nd respondent herein, was set at liberty to obtain sanction order from the competent authority and proceed further in the matter.

3. Feeling aggrieved, the prosecution/second respondent herein, had filed Crl. R.P. No. 250/2012. Taking into consideration the fact that the prosecution had approached the petitioner herein for according fresh sanction for prosecution of the first respondent-K.H. Gopinath, the sanction having been accorded, the prosecution submitted the charge-sheet, which has been registered as Spl. C.C.C. No. 109/2012 on the file of the Special Judge, under Prevention of Corruption Act, Bangalore Urban District, Bangalore, Crl. R.P. No. 250/2012 was disposed of as not surviving for consideration.

4. Since Crl. R.P. No. 250/2012 was disposed of, as above, in my opinion, this petition does not survive for consideration.

5. The contentions raised in this petition are left open for consideration in an appropriate case. The second respondent/prosecution is at liberty to proceed against the first respondent-accused, in accordance with law in Spl. C.C.C. No. 109/2012.