

IN THE SUPREME COURT OF INDIA  
CRIMINAL ORIGINAL JURISDICTION

TRANSFER PETITION (CRL.) NOS.152-153 OF 2024

GUNTAKANDLA JAGADISH REDDY & ORS.      Petitioner(s)

VERSUS

THE STATE OF TELANGANA & ORS. ETC.      Respondent(s)

O R D E R

1. The present transfer petitions have been filed by the petitioners seeking transfer of criminal case bearing CC No 15 of 2016 in CR No. 11/ACB-CR1-HYD/2015 filed under Section 12 of the Prevention of Corruption Act, 1988 and Section 120-B read with 34 of the Indian Penal Code, 1860, titled as "The State of Telangana through Additional Superintendent of Police Vs. A Revanth Reddy & Ors." pending before the Court of Principal Special Judge for Trial of SPE & ACB Cases at Hyderabad, Telangana and CC No.5 of 2017 in CR No. 11/ACB-CR1-HYD/2015 under Section 12 of the Prevention of Corruption Act, 1988 and Section 120-B read with 34 of the Indian Penal Code, 1860, titled as "The State of Telangana through

*Additional Superintendent of Police Vs. Sandra Venkata Veeraiah*, pending before the Court of Principal Special Judge for Trial of SPE & ACB Cases at Hyderabad, Telangana to the District and Sessions Judge, Bhopal, Madhya Pradesh.

2. Shri C. Aryama Sundaram and Shri Dama Seshadri Naidu, learned senior counsel appearing for the respective petitioners submit that respondent No. 2 in TP(CrI.)No.152 of 2024, who now holds the office of Chief Minister of the State of Telangana and also the portfolio of Home Ministry, would directly have control over the prosecution.

3. It is submitted that the Investigating Agency is under the control of the Director General of the Anti Corruption Bureau, who directly reports to the Chief Minister i.e. Respondent No.2 in his capacity as the Minister for Home. The petitioners apprehend that the trial would not be permitted to be conducted in a fair manner. It is, therefore, submitted that the proceedings be transferred from the State of Telangana to any other State.

4. In the alternative, it is submitted that the prosecution should be supervised by a retired judge

of this Court.

5. The submissions are vehemently opposed by Shri Mukul Rohatgi, Mr. Sidharth Luthra and Dr. Menaka Guruswamy, learned senior counsel appearing for the respondents. It is submitted that the trial is halfway through and many of the witnesses have already been examined. It is further submitted that the special prosecutor was appointed by the erstwhile regime, of which the petitioner(s) was a part. It is therefore submitted that the present petitions are filed with political motive only to delay the trial.

6. On the last date, we had taken note of certain objections raised by the petitioner(s) on the social media posts by respondent No.2 and the political party to which he belongs.

7. In response Respondent No.2 has filed an affidavit on 17.09.2024 tendering an apology with respect to the social media posts. It is further stated in the reply that the said apology has also been published.

8. In that view of the matter, we do not wish to proceed further insofar as that issue is concerned

and the same is hereby closed.

9. Though we have not proceeded further insofar as that issue is concerned, we want to make only one observation.

10. All Constitutional functionaries-the Legislature, the Executive and the Judiciary ought to discharge their constitutional duties with a sense of responsibility in the spheres earmarked for them by the Constitution. It is expected that all the three wings of the Constitution and the individuals holding various positions show a mutual respect for the functioning of each other.

11. Unwarranted comments as the one made by respondent No.2 unnecessarily bring about friction, which ought to be avoided.

12. We, therefore, expect that one should be careful enough while making comments about the orders passed by the Courts.

13. The right to fair criticism of the judgment is always welcome, however, one should not transgress the limits.

14. Coming to the merits of the matter, the only concern expressed is that respondent No.2 has a

direct control over the Anti Corruption Bureau, inasmuch as the Director General of the Anti Corruption is directly answerable to respondent No.2 and so the trial would not be permitted to be conducted in a fair manner.

15. In order to allay that fear, we direct respondent No.2 not to, in any way, interfere with the functioning of the prosecution in the proceedings of which the transfer is sought.

16. We further direct that the Director General of the Anti Corruption Bureau would not report to respondent No.2 with regard to the prosecution of the aforementioned cases.

17. On the last date, when the matter was listed, we had asked the parties as to whether, in order to allay the fear of subservience, the prosecution could be assigned to another special prosecutor.

18. Learned counsel for the respondents had not objected for the same.

19. Today when the matter is called out, the learned counsel for the petitioners states that they have complete faith in the prosecution and there is no need to change the special prosecutor.

20. In that view of the matter, we are, therefore, not inclined to entertain the present transfer petitions.

21. We further direct the Director General of the Anti Corruption Bureau to extend full cooperation to the special prosecutor.

22. Needless to state that all such documents which are required by the prosecution, would be supplied by the Director General of the Anti Corruption Bureau to the special prosecutor.

23. We are of the view that the aforesaid directions made by us would take care of any apprehension that the petitioners may have with respect to an independent and fair trial.

24. Insofar as the prayer for entrusting the supervision of the prosecution to a retired judge of this Court is concerned, we are not inclined to consider the prayer at this stage. These petitions are only filed on the basis of apprehension. There is no foundational basis for such apprehension.

25. In the event, in future, if the petitioners find that there is an interference by respondent No.2 and if there is any foundational basis for the

same, the Court can always consider granting such a prayer.

26. With the aforesaid observations, the transfer petitions are disposed of.

27. Pending application(s), if any, stand(s) disposed of.

.....J  
(B.R. GAVAI)

.....J  
(K.V. VISWANATHAN)

New Delhi  
September 20, 2024

ITEM NO.1

COURT NO.3

SECTION II

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

Transfer Petition(s)(Criminal) No(s). 152-153/2024

GUNTAKANDLA JAGADISH REDDY &amp; ORS.

Petitioner(s)

VERSUS

THE STATE OF TELANGANA &amp; ORS.

Respondent(s)

(IA No. 29135/2024 - EX-PARTE STAY, IA No. 196287/2024 -  
PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 20-09-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI  
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s)

Mr. C. Aryama Sundaram, Sr. Adv.  
Mr. Dama Seshadri Naidu, Sr. Adv.  
Mr. P. Mohith Rao, AOR  
Ms. J. Akshitha, Adv.  
Mr. Shaik Sohil Akthar, Adv.  
Mr. Eugene S Philomene, Adv.  
Ms. Divya Narayanan, Adv.

For Respondent(s)

Dr. Menaka Guruswamy, Sr. Adv.  
Mr. Sravan Kumar Karanam, AOR  
Ms. Tayade Pranali Gowardhan, Adv.  
Mr. Lavkesh Bhambhani, Adv.  
Mr. Utkarsh Pratap, Adv.  
Ms. Shireesh Tyagi, Adv.  
Ms. Arunima Das, Adv.

Mr. Mukul Rohatgi, Sr. Adv.  
Mr. Sidharth Luthra, Sr. Adv.  
Mr. Kumar Vaibhaw, Adv.  
Mr. Lzafeer Ahmad B. F., AOR  
Ms. Ranjeeta Rohatgi, Adv.  
Mr. Anmol Kheta, Adv.  
Ms. Somaya Gupta, Adv.



Mr. Dhaval Mehrotra, AOR  
Ms. Aditi Desai, Adv.

Mr. Siddharth Aggarwal, Sr. Adv.  
Mr. Gautam Khazanchi, Adv.  
Mr. Vaibhav Dubey, Adv.  
Mr. Vipul Kumar, AOR

Mr. Kavin Gulati, Sr. Adv.  
Mr. Abhay Pratap Singh, AOR  
Mr. Aaryaan Sadanand, Adv.  
Ms. Mitali Umat, Adv.

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

1. The transfer petitions are disposed of in terms of the signed order.
2. Pending application(s), if any, stand(s) disposed of.

(DEEPAK SINGH)  
ASTT. REGISTRAR-cum-PS

(ANJU KAPOOR)  
COURT MASTER (NSH)

[Signed order is placed on the file]