



Forum for Good Governance

Regd. No. 653/2009

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(Retd. High Court Judge)

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L. No. FGG/CJ/REP/ 22 /2022

Hyderabad
15th February, 2022

To
The Hon'able Chief Justice
Telangana High Court
Hyderabad

Respected Sir,

Sub : Establishment of Special Court for disposal of cases against MLAs and MPs – Large scale acquittal of cases – prosecution not taking interest in presenting the cases properly – Reg.

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Forum for Good Governance is a nonprofit organization founded by a few retired All India Service Officers and social activists who have all come together under the leadership of a retired High Court Judge, with an objective to secure good governance at all levels, build public opinion for the overdue electoral reforms, strive for enabling the various constitutional and autonomous institutions of the State to function effectively, campaign for the much-needed decentralization and reforms in administration etc.

To try cases pending against MLAs and MPs, Hon'able Supreme Court of India directed all state Governments to establish Special Courts, accordingly Government of Telangana vide G.O. No. 6, dated 23-2-2018 established a Special Court.

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To find out the number of cases pending against MLAs and MPs, Forum for Good Governance collected data from the affidavits filed along with nomination papers of MLAs and MPs in 2018 and 2019 elections to Assembly and Parliament pertaining to Telangana state.

As per our analysis

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| 1) 64 MLAs have a total of | 344 cases |
| 2) 10 MPs have a total of | 133 cases |
| 3) Ex-MLAs and Ex-MPs (Approximately) have | 30 cases |

Total 507 cases

As per Hon'able Supreme Court order all these cases existing in various courts in districts have to be transferred to Special Sessions Judge for the trial of criminal cases relating to MLAs & MPs (Special Court).

1. As per information received through R.T.I. Act from Special Court so far 380 cases only are transferred to Special Court.
2. Out of 380 cases transferred to Spl. Court 338 cases are disposed.
3. The details of disposal
 - a) Convicted - 14 cases (4%)
 - b) Acquitted - 324 cases (96%)
4. Details of conviction. Imprisonment in 4 cases and fine in 10 cases. Out of 324 cases acquitted so far no appeal was preferred in higher court. Further in cases where imprisonment was awarded the accused got stay from High Court.

Details of one acquitted case :

MLA of Chandrayan gutta (Hyderabad district) was booked under sec. 153 – A, 188 of I.P.C. and Sec. 125 of R.P. Act for delivering a provocative speech in a public meeting stating that "Lal Darwaza Ko Hara Durwaza Banaunga, Agar V.H.P. & R.S.S. Hindus Ko Thrishul Takseem Kare tho, Jab main Musalman Ko Chota Talwar Bantuga".

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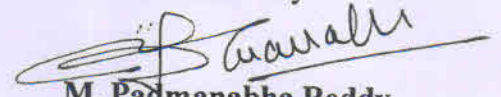
The entire meeting speech was video graphed and police seized the video cassette. S.I. of Police Chandrayan gutta registered the case in crime No. 77 of 2004. After the inquiry, the case was referred to Government for permission to prosecute the accused. After a delay of 10 years, in the year 2014 permission was accorded to prosecute the accused. It took another 4 years for police to file charge sheet. The XIV Additional Chief Metropolitan Magistrate in 2018 took cognizance for the offence under sec. 153 – A, 188 of I.P.C. and sec. 125 of R.P. Act and numbered the charge sheet as C.C. No. 501 of 2018. Consequent upon establishment of Special Court this matter was transferred to Special Court.

On 16-11-2021 the judge of Special Court delivered the Judgment, the judge observed that "The court is of the opinion that the prosecution failed to prove the guilt of the accused hence the accused is found not guilty of the charges".

Due to slackness on the part of prosecution many serious (cases) crimes committed by MLAs and MPs are being acquitted in the Court. Explaining all the facts we have submitted a representation in July 2021, to H.E. the Governor till date there is no improvement in the situation.

Forum for Good Governance requests Hon'able Chief Justice of Telangana to issue suitable direction to prosecuting authorities to take interest, to produce all the relevant and connected records in the court and produce the witness relating to the case. Further it is also requested to direct the prosecution to prefer appeals in important acquitted cases.

Yours Sincerely



M. Padmanabha Reddy

Secretary

Forum for Good Governance

- Encl :**
1. Information obtain through R.T.I. Act
 2. Copy of Judgment of case cited
 3. Letter address to H.E. the Governor