

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.35729 of 2014

ORDER:

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This Writ Petition is filed under Article 226 of the Constitution of India, seeking the following relief:

“To issue an appropriate writ, order or a Direction, one more in the nature of Writ of Mandamus declaring the inaction of the respondents in not combining all the eight complaints registered against the business activities of the 1st petitioner company and its officers, registered as F.I.R in Cr.No.82/2011 of Santhamangaluru Police Station, Cr.No.95/2011 of Kiothapatnam Police Station, Cr.No.387 of 2011 of Ongole II Town Police Station, Cr.No.206/2011 of Ongole Taluka Police Station in Prakasam District and as FIR in Cr.No.267/2011 of Guntur Police Station and Cr.No.370 of 2011 of Pattabhipuram Police Station of Guntur District into a single Crime Number and continue investigation and file charge sheet, as illegal, arbitrary and unconstitutional being in violation of Articles 14, 19 (g) and 21 of Constitution of India apart from being also in violation of the letter and spirit of the orders of this Honourable Court dated 20th March, 2002 in CrI.P.No.9771 of 2011 and batch, as confirmed vide orders dated 11.12.2012 in CrI.P.No.9771 of 2011 & Batch along with another Writ petition filed by the 1st petitioner company in W.P. No.17544 of 2012”.

2. The counter affidavit is filed by the respondent No.3 and para Nos.4 to 6 of the counter affidavit read as under:

“4. It is further submitted that initially on the complaints of complainants, 8 cases were registered in Prakasam and Guntur Districts. Later in obedience of the directions of the Hon'ble High Court of Andhra Pradesh, Hyderabad, in CrI.P.No.11729 of 2012 dt.20.03.2012, C.I.D of Andhra Pradesh has taken up investigation vide the orders of the Addl. Director General of Police, CID, Andhra Pradesh, Hyderabad, in C.No.2614/C12/CID/2012, dated 13.06.2012 and one investigating officer i.e., Dy. Superintendent of Police, R.O, Vijayawada is investigating the cases.

5. I further submit that on 08.06.2014, charge sheet has been filed in the Hon'ble Court of Chief Judicial Magistrate Cum Principal Assistant Sessions Judge, Ongole, Prakasam District in Cr.No.1)206/2011 of

Ongole II Town PS, 2) Cr.No.82/201 of Santhamagugluru PS, 3) Cr.No.387/2011 of Ongole Taluka PS and 4) Cr.No.95/2011 of Kothapatnam PS of Prakasam District u/s.120-B, 406, 420 IPC and Sections 3, 4 & 5 of Prize Chits and Money Circulation Schemes (Banning) Act 1978 and cases are in pending Trial vide C.C.No.4/2014. All the accused are attending the Court and case is posted to 09.09.2015 for examination of the accused.

6. I humbly submit that on 25.02.2015, charge sheet has been filed in the Hon'ble Court of the Chief Judicial Magistrate Cum Prl. Senior Civil Judge, Guntur in Cr.Nos. 1)338/2011 of Arundalpet P.S 2) 292/2011 of Nagarampalem P.S. 3) 370/2011 of Pattabhipuram P.S. of Guntur District u/s 120-b, 406, 420 IPC and Sec. 3, 4 & 5 of Prize Chits and Money circulation Schemes (Banning) Act, 1978 and cases are pending Trial vide C.C. No.3/2015. All the accused are attending the Court and case is posted to 07.09.2015 for examination of the accused."

3. As evident from the averments in the affidavit filed in support of the writ petition, the intention of the petitioners is to have all the cases to be tried at one place and be enquired at one place.

4. In view of the above averments in the counter affidavit, the Writ Petition is disposed of, keeping it open to the petitioners herein to avail the remedy under the provisions of Section 407 of Criminal Procedure Code.

5. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 14.09.2015

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THE HON'BLE SRI JUSTICE A.V.SESHA SAI

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