

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

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WRIT PETITION No.27255 OF 2015
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ORDER:

This writ petition is filed under Article 226 of the Constitution of India for the following relief:

“to issue an appropriate writ, or order, or direction, one in the nature of writ of Mandamus, declaring the action of the 6th respondent in calling the petitioner to III Town Police Station, Adoni and by the other respondents, is illegal, improper, contrary to the procedural law contemplated in Criminal Procedural Code, 1973 and offends the Article 21 of the Constitution of India, when subject matter is covered by the order, dated; 13.12.2013 passed in WP No.28809/2013 and batch consequently direct the 6th respondent, Station House Officer, Adoni III Town, Kurnool District not interfere with personal liberty by calling the petitioner to the PS, Adoni- III Town, Kurnool District in connection with FIR No.104/2013, dated: 22.09.2013 and pass such other order or orders may deem fit and proper in the circumstances of the case.”

2. When the matter is called today, written instructions dated 27.08.2015, furnished by the Inspector of Police, III Town Police Station, Kurnool District, have been placed on record by the learned Government Pleader for Home and the said instructions read as under:

“It is respectfully submitted that one Suram Sharan K u m a r Redely lodged complaint against one T.Seshadri/the petitioner herein and another with the respondent police Adoni III town P.S., stating that the above T.Seshadri was established a retail branch by named N Mart in Adoni and has been collecting deposits from the public with offer of easy and quick money if a person wants to joint into the scheme as agent should be sponsored by already enrolled member joining fee Rs. 5,50/- and he will get Rs. 11,000/- worth tokens from which he can get provisions of Rs. 220/- each month from the N Mart retail shop for 48 months and also stated

that if enrolled members into the scheme the sponsors will get Rs.600/- as commission and also valuable gifts. Believing this the complainant along with some others joined the above said scheme vide ID No. 1356619 later the complainant received only Rs. 3000/- But he was supplied to only for 3 months. When the complainant questioned about this, the accused replied that N. Mart retails will be open at Adoni since then he advised to take provisions from the N. Mart retails at Bellery. The complainant and others had been bring the provisions or 8 months later the N. Mart retail at Bellery was closed. Hence the complainant.

Basing on the complainant a case in Cr. No.104/2013 U/Sec. 420, 406 IPC and 5 of APPEDFEA 4,5,6 MCSBA and Sec 45 S RBI Act Adoni III town PS and submitted FIRs to all the concerned officers.

It is further submitted that the investigation officer took up the investigation, during the course of investigation the respondent police examined 3 witness and recorded their statements. And seized the bonds from victims which was belongs to the Sharan Kumar Reddy having ID numbers 1356619, 6 coupons letter of CMD Shekavath Boucher of N Mart and postal cover, from N Mart and 3rd bond having ID 349318, postal cover from N Mart.

It is further submitted the D.G.P., A.P. Hyderabad issued orders to the Superintendent of Police Kurnool vide Rc. No. 656/M1/2013 dt. 10.12.2013 to transfer the case to the C.I.D, and the same was transferred vide C. No. 394/Cr-I/DCRB/2013 dt. 28.12.2013 by the Superintendent of Police Kurnool.

It is further submitted that while the case was transferred to the CID Kurnool, hence the allegations made by the petitioner against the respondent police stating that they are interfere with personal liberty by calling the petitioner to the PS, Adoni- III Town, Kurnool District in connection with FIR No. 104 2u13. dated: 22.09.2013. is false and baseless and denied.”

3. On noticing the said written instructions, learned counsel for the petitioner requested this court to dispose of the writ petition by recording the said written instructions.

4. In view of the above, writ petition stands disposed of, by recording the written instructions dated 27.08.2015, furnished by the Inspector of Police, III Town Police Station, Kurnool District.

5. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

01st September, 2015

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