

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

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WRIT PETITION No.24912 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 a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd and 3rd respondents in not initiating action against the respondents 4 to 9 pursuant to the complaint given by the Petitioner on 09-07-2015, which was received by them on 10-07-2015 and not recovering the electrical decoration material from them as illegal, arbitrary and unconstitutional and consequently direct the respondents 2 & 3 to register a case against the respondents 4 to 9 under appropriate Sections under I.P.C. pursuant to the complaint given by the Petitioner on 09-07-2015 and prosecute in accordance with them and also to recover the electrical decoration material from them forthwith and pass such other orders as this Hon'ble court may deem fit and proper in the circumstances of the case.”

2. When the matter is called today, written instructions dated 13.08.2015 furnished by the Sub Inspector of Police, Shahinayathgunj Police Station, have been placed on record by the learned Government Pleader for Home and the said instructions read as under:

“The petitioner herein had approached the Police of Shahinayathgunj Police Station and lodged a complaint on 27.5.2015 stating that on 26.5.2015 afternoon ie., 1200 (noon) while his brother Omprakash Yadav was performing lighting decoration work at Ninnu Yadav Residence on the occasion of wedding ceremony and while he was checking the serial lighting bulbs, on second floor at about 16.30 hrs, he received the electric shock from the belt of serial bulbs due to which he fallen down from the second floor of the building on the asbestos sheets roof of beside house. Immediately, his colleagues and house owner shifted his brother to OGH Hospital for treatment while undergoing treatment at OGH, they shifted his brother to the Medical Hospital,

Adarsh Nagar, for better treatment, while undergoing treatment his brother has died. Hence, he requested the police to take necessary action as per law.

Basing on the contents of the above complaint, a case in Cr.No. 168/2015, U/sec.174 Cr.P.C was registered on the file of Shahinayathgunj Police Station on 27.5.2015 and investigation was taken up.

During the course of the investigation, the investigating officer examined the complainant and other witnesses and recorded their detailed statements.

While the investigation is under progress, the petitioner herein had submitted a petition dated 9.7.2015 to the Commissioner of Police, Hyderabad City stating that there is no possibility of falling from the 2nd floor and 3rd floor of his brother and he suspects the credibility of three of his staff workers viz, Gaurav Yadav, Shiva Kumar and Sailu who were also working with his brother, might have pushed his brother from the 5th floor as some litigations were between the owner of building and his brother and hence requested to see the real culprits be punished and recover the electricity decoration things worth Rs.2,00,000/-.

Upon receipt of the said petition, the Commissioner of Police, Hyderabad City forwarded it to this respondent police station, for enquiry and necessary action.

Accordingly, this respondent summoned the suspected persons Mr.Gauravlal Yadav and Shiva & Laddu and thoroughly interrogated them and recorded their statements. They categorically stated in their statements that the deceased himself fell on the 2nd floor and due to which he died. They are not at all responsible for his death. They themselves took the deceased to the OGH for treatment and they informed the same to the petitioner herein. The petitioner having grudge against them mentioned their names in his petition.

The third suspected person namely Sailu is yet to be examined.

I humbly submit that impartial investigation is going in all angles. The PME Report connected with FSL reports are awaited regarding the offence. As soon as the FSL report is received, basing on the same, further

course of action will be taken into the matter.

I humbly submit that certainly action will be taken against the unofficial respondents 4 to 9 if there is any involvement in the above case. I humbly submit that I assure to this Hon'ble Court that the investigating agency will summon the suspected persons and interrogate them and after their interrogation, further steps will be taken in this case.

I humbly submit that if any involvement of unofficial respondents are noticed in this case, certainly action will be taken against them by altering the appropriate section of law.

I humbly submit that while proceeding with the investigation into the case, certainly, the representation of the petitioner will be considered by the investigating agency and if any clues are forthcoming about the involvement of the unofficial respondents, action will be taken against them."

3. On noticing the said instructions, it is requested by the learned counsel for the petitioner to dispose of the writ petition by recording the said instructions.
4. In view of the above, writ petition stands disposed of, by recording the written instructions dated 13.08.2015 furnished by the Sub Inspector of Police, Shahinayathgunj Police Station.
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

17th August, 2015

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