

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

TUESDAY THE TWENTYFIFTH DAY OF AUGUST
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 24036 OF 2015

Between:

C.Khader Basha ... Petitioner

V/s.

The State of Andhra Pradesh
Represented by Prl.Secretary for Home,
Secretariat Building,
Hyderabad & Ors. ... Respondents

Counsel for the Petitioner: Sri M.A.K. Mukheed

Counsel for the Respondents: GP for Home [AP]

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE A.V. SETHA SAI

WRIT PETITION NO. 24036 OF 2015

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

“To declare the inaction of respondent No.3 in conducting the investigation, arresting the respondent Nos. 4 to 8 and filing final report in Crime No. 385 of 2014 on the file of Police Station, Tadipatri [Urban], Ananthapur district as illegal, arbitrary and in violation of Article 14 and 21 of Constitution of India and consequently to direct the respondent No.3 to conduct fair investigation expeditiously by arresting the unofficial respondent Nos. 4 to 8 in crime No. 385 of 2014 on the file of Police Station Tadipatri [Urban] Ananthapur district, in accordance with law and to pass such other suitable orders as this court may deems fit and proper in the circumstances of the case.”

2. When the matter is called, written instructions dated 10/8/2015 furnished by the Sub-Inspector of Police, Tadipatri Urban Police Station, Ananthapur district have been placed on record by the learned Government Pleader for Home [AP].

3. The written instruction, read as under:

“It is respectfully submitted that the petitioner herein lodged a complaint on 23/10/2014 with the Station House Officer, Tadipatri Urban Police Station, Ananthapur district stating that the petitioner’s brother by name C.Sdiqvai elected as 6th

ward Municipal Councillor in Tadipatri Municipality on behalf of Telugu Desam Party. The petitioner's brother gave press note against the respondent No.4 and others. On 23/10/2014 the respondents 4 to 8 and others came in a white colour car, threatened the complainant and his brother with dire consequences, beat the complainant's brother due to which he sustained injuries and during the treatment the petitioner's brother died. The complainant requested the police to take necessary action.

It is respectfully submitted that basing on the said complaint a case in Crime No. 385/2014 dated 23/10/2014 under sections 147, 148, 302 r/w 149 IPC section 120 (B) IPC has been registered against the respondents 4 to 8 and others on the file of Tadipatri Urban Police Station, Ananthapur district and investigation has been taken up by the Inspector of Police, incharge of Tadipatri Urban Police Station by visiting the scene of offence.

It is respectfully submitted that during the course of investigation the complainant and fourteen witnesses have been examined and recorded their detailed statements.

It is submitted that as per the evidence and call details of respondents 4 to 8 i.e., A9 to A-12, A-14 and A-15 were not present at the scene of offence and they did not involve in the offence, hence commission of offence not proved against them.

It is submitted that on 30/10/2014 A-1 to A-8 were arrested and sent to judicial remand.

It is submitted that on 31/10/2014 the material objects were sent to Forensic Science Laboratory, Tirupati for chemical analysis and so far no report is received.

It is submitted that on 27/6/2015 164 Cr.P.C. statement of the complainant/petitioner was recorded before the Judicial First Class Magistrate, Gooty. The petitioner corroborated the contents of FIR.

It is respectfully submitted that prima facie case was established against A-1 to A-8, hence preliminary charge sheet was filed before the Judicial First Class Magistrate, Gooty.

It is respectfully submitted that after receipt of final report/opinion from the Forensic Science Laboratory, Tirupati and after completion of investigation charge sheet will be filed as per law before the concerned Hon'ble court as expeditiously as possible."

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

5. In view of the above, the writ petition is disposed of by recording the reasons mentioned in the written instruction, dated 10/8/2015. There shall be no order as to costs.

6. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.

JUSTICE A.V.SESHA SAI

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Date:25/08/2015
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Court Master: I s L