

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.38972 OF 2014

Date:22.01.2015

Between:

Bommisetty Vatsala

.. Petitioner

And

The Sate of Andhra Pradesh,
Rep., by its Principal Secretary,
Home Department, Secretariat
Buildings, Hyderabad and others

.. Respondents

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.38972 OF 2014

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Home appearing for the respondents.

The Writ Petition is filed alleging that the investigation into Crime No.59 of 2014, dated 13.11.2014, being conducted by the 3rd respondent is without taking care and without impleading the persons, who abetted the crime.

The instructions received by the learned Government Pleader for Home are that on the complaint of the petitioner, dated 12.11.2014, Crime No.59 of 2014 was registered on 13.11.2014 under Section 379 I.P.C. against one Samuel and others and during the course of investigation, the complainant and four other witnesses were examined, since the investigation revealed that A1 to A3 committed theft of seven iron sheets from the garden of the complainant; A1 to A3 were arrested and sent to judicial custody and the accused are said to have confessed the crime; based on that, the investigation was completed and a charge sheet was filed before the Judicial Magistrate of First Class, Kanigiri, on 01.12.2014, which, in turn, has also taken cognizance of the charge sheet and the same is pending as C.C.No.286 of 2014, dated 23.12.2014. In view of the confession, it is, therefore, stated that the petitioner's allegation of inaction against the accused is not sustainable.

In view of the fact that the charge sheet is already filed and the accused is alleged to have confessed the commission of offence and the Jurisdictional Magistrate has already taken cognizance of the charge sheet, in my view, no further orders are necessary in this Writ Petition and the same is, accordingly, disposed of.

There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

VILAS V. AFZULPURKAR, J

22.01.2015

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