

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

WRIT PETITION No.40093 of 2012

ORDER:

In the present writ petition the petitioner herein is seeking a direction to the respondents 2 and 3 to investigate the case further in F.I.R.No.121 of 2012 on the file of Ongole I Town Police Station, Prakasham District which culminated in C.C.No.518 of 2012 on the file of the Court of the II Addl. Munsiff Magistrate, Ongole.

Heard Sri V.R. Avula, learned counsel for the petitioner and learned Government Pleader for Home for respondents, apart from perusing the material available before this Court.

When the matter is taken up it is submitted by learned Government Pleader for Home that for redressal of the grievance of the petitioner herein, the petitioner has an efficacious alternative remedy under the provisions of Section 173 (8) of Cr.P.C.

Section 173 (8) of the Cr.P.C., reads as under:

173. Report of police officer on completion of investigation.

(8) Nothing in this section shall be deemed to preclude further investigation in respect of an offence after a report under sub- section (2) has been forwarded to the Magistrate and, where upon such investigation, the officer in charge of the police station obtains further evidence, oral or documentary, he shall forward to the Magistrate a further report or reports regarding such evidence in the form prescribed; and the provisions of sub- sections (2) to (6) shall, as far as may be, apply in relation to such report or reports as they apply in relation to a report forwarded under sub- section (2).

In view of the said alternative remedy available to the petitioner, the writ petition is disposed of, keeping it open for the petitioner herein to make necessary application before the concerned Magistrate for redressal of his grievance and if any such application is filed the same may be considered, in accordance with law.

The Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

A.V. SESA SAI, J

December 07, 2015

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