

HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.24645 OF 2014

Date:22.01.2015

Between:

Desu Subba Rao

.. Petitioner

And

The Government of Andhra Pradesh,
Rep., by its Principal Secretary,
Home Department, A.P. Secretariat,
Hyderabad and others

.. Respondents

HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.24645 OF 2014

ORDER:

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

The petitioner, at whose instance F.I.R.No.57 of 2014 was registered by the 4th respondent on 13.03.2014, complains in the present Writ Petition that hardly any investigation is made.

The grievance of the petitioner is that in his absence his valuable documents were stolen from his house by the persons named in the complaint and that there is already a matrimonial dispute between himself and his wife, which has resulted in theft of the said documents. The petitioner states that he had made several allegations with regard to the manner in which the investigation is said to have been conducted by the 4th respondent.

However, learned counsel for the petitioner had laid much stress on the fact that the investigating officer has not even conducted any search nor has made any effort to locate the testimonials of the petitioner, which were stolen. Learned counsel points out that the documents, which are annexed to the defective charge sheet filed by the 4th respondent, include the certificate issued by him stating that the accused have denied the offence. It is not in dispute that the charge sheet, which was filed after completing investigation in the aforesaid manner, was not accepted by the jurisdictional Court and the same is

returned to the concerned Station House Officer and it is yet to be resubmitted. He further states that the petitioner has already made a representation, dated 02.07.2014, pointing out the defective investigation made in the present case. The said representation is addressed to the Inspector General of Police and a copy of the same is also marked to the Superintendent of Police.

Learned counsel for the petitioner, during the course of hearing, submitted that the petitioner has in his custody the evidence in support of his allegation and the same was brought to the notice of the 4th respondent, but he has not taken any appropriate action thereon.

In view of the facts and circumstances that the charge sheet, which is yet to be filed, keeping in view the grievance of the petitioner and *prima facie* defective investigation made by the 4th respondent, in my view, instead of transferring the entire investigation to another officer as sought for by the petitioner, interests of justice would be served by directing the Superintendent of Police, the 3rd respondent herein, to review the progress of investigation made so far, so that if any remedial steps are required to be taken, they can as well be taken at this stage so as to ensure a scientific and proper investigation with reference to the petitioner's complaint.

The Writ Petition is, therefore, disposed of giving liberty to the petitioner to make a detailed representation before the Superintendent of Police, the 3rd respondent herein, and the latter is directed to call for the entire case diaries and the investigation made so far with reference to F.I.R. No.57 of 2014 on the file of the 4th respondent Police Station and independently review the investigation and satisfy himself regarding the manner in which the investigation is conducted. On examination of the aforesaid, the 3rd respondent is at liberty to take remedial steps to be taken and shall

also be at liberty to entrust the investigation to any other officer in his jurisdiction and after completing the investigation accordingly, necessary report be filed before the concerned Court. 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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