

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

WRIT PETITION No.27065 OF 2015

ORDER:

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

“to pass an order or orders one in the nature of WRIT OF MANDAMUS declaring the inaction of the Respondents for not considering the representation made by the petitioner dated: 24-03-2015 by RPAD which was received by respondents and the same was made to rectify and alter the FIR No.387/2013, dated:06-11-2013 on the file of respondent No.5 police station, originally registered by them under section 309 of IPC by incorporating offence under section 305 IPC and striking down offence under section 309 IPC and declare the same as illegal, arbitrary, against the principles of natural justice and also against the provisions of Criminal Procedure Code and IPC and to pass such other order or 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 01.09.2015, furnished by the Sub Inspector of Police, RGI Airport Police Station, Cyberabad Commissionerate, have been placed on record by the learned Government Pleader for Home and the said instructions read as under:

“It is respectfully submitted that the as per the records, it is a fact that a case in Cr.No.387/2013 U/sec.309 IPC was registered on the file of RGI Airport Police Station on 6.11.2013 on receipt of the hospital intimation from the Osmania General Hospital, Hyderabad regarding the admission of the injured victim Mr.J.Kumar who is the son of the petitioner herein.

The Hon'ble Magistrate of Excise Court recorded the dying declaration of victim Mr.J.Kumar (son of the petitioner herein) on 6.11.2013. In the dying declaration the deceased categorically stated that due to non-payment of salaries since last three months hence he immolated himself.

While the investigation is under progress, the victim Jaggula Kumar was succumbed to burn injuries on 26.11.2013 and accordingly, the Section of Law was altered from Sec.309 IPC to Sec.174Cr.P.C.

The doctors who conducted autopsy over the dead body of the deceased opined that the death of the deceased is due to "Burns".

The investigation is going on in all angles to find out the real culprits behind the death of the deceased.

While the investigation is under hectic progress, the suspected persons 1) Babu Rao, 2) B.Ramesh, 3) P.Jayander and 4) P.Chandraiah rushed to this Hon'ble Court and filed W.P.No.38898 of 2014 directing the respondent police not to arrest in connection with Cr.No.387 of 2013 dt.6.11.2013. The said writ petition is still pending adjudication before this Hon'ble Court.

While the matters stood thus, the petitioner herein has sent a petition dated 24.3.2015 through post requesting the investigating agency to incorporate Sec.305 IPC instead of 309 IPOC.

It is respectfully submitted that the investigation is going on in all angles to find out the real culprits if any behind the death of the son of the petitioner herein. If any clues are forthcoming, certainly Section 305 IPC will also be altered and the same will be communicated to the petitioner herein.

I humbly submit that no arrests were made so far. Almost all the averments made in the affidavit are the part and parcel of the investigation in Cr.No.387/2013 U/sec.174 Cr.P.C for which a detailed investigation is under hectic progress.

I humbly submit that certainly the investigating agency will take into consideration the representation of the petitioner dated 24.3.2015 sent by post and proceeding according to it and if any clues are forthcoming, certainly Section 305 IPC will be altered from the existing Section 174 Cr.P.C."

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

4. In view of the above, writ petition stands disposed of, by recording the written instructions dated 01.09.2015, furnished by the Sub Inspector of Police, RGI Airport Police Station, Cyberabad Commissionerate.

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

01st September, 2015

ss