

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

WRIT PETITION No.30790 OF 2015

ORDER:

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

“to issue an order or direction or writ, more appropriately, A WRIT OF MANDAMUS to declare the inaction of the Official Respondents herein, particularly, the 3rd Respondent herein to investigate in respect of F.I.R. No.209/2015, dated 24-05-2015 of P.S. Golconda and filing of any charge sheet in the appropriate Court against the 5th Respondent herein is illegal, arbitrary and Unconstitutional and further direct the 3rd Respondent herein to proceed with the investigation in F.I.R. No.209/2015, dated 24-05-2015 of Golconda P.S., immediately and file the charge sheet in the appropriate Court against herein to take departmental action against the 4th Respondent herein for dereliction of his duties in proceeding with the investigation in F.I.R. No.209/2015, dated 24-05-2015 and not filing of any charge sheet till date as per Law and to pass such other order or orders which are deem fit and just in the circumstances of the case

.”

2. When the matter is called today, written instructions dated 29.09.2015, furnished by the Inspector of Police, Golconda Police Station, Hyderabad, have been placed on record by the learned Government Pleader for Home and the said instructions read as under:

“It is respectfully submitted that as per the records, the facts of the case are as follows:-

The petitioner herein had approached the police of Golconda Police Station, Hyderabad City and lodged a complaint on 24.5.2015 stating that while she was going to Brindavan colony, near Tolichowki , Hyderabad on 15.5.2015 at about 8.30 p.m by bus and she get down from the bus in front of MM Medical Hall near Galaxy

theatre and crossing the road and in the meantime one unknown motor cycle rider came from Galaxy theatre side and dashed to her, due to which she fell down on the road and received severe injuries, like forehead, right side shoulder and left leg injured. After that the said rider and road passers shifted her to the nearest hospital (3M People's Hospital). The said rider escapes from the hospital without giving any information to the doctors or her family members. She

informed to her son with the road passers about the accident and the duty doctors done the first aid to her and advise to treat in other hospital because lack of CT scan and X rays and at about 9.15 her sons and daughters came to 3M People's Hospital, Tolichowki and shifted her to Care Hospital, Nampally, Hyderabad whereat she was admitted as inpatient on the same day ie., 15.5.2015 for general treatment and discharged on 18.5.2015 doctors advised to take bed rest for one month. Hence, she requested the police to register her complaint against the said motor cycle rider and take necessary legal action.

Basing on the contents of the above complaint, a case in Cr.No.209/2015 U/sec.337 IPC was registered on the file of Golconda Police Station, Hyderabad City on 24.5.2015 and investigation was taken up.

During the course of investigation, the investigating officer examined the complainant-petitioner and other witnesses and recorded their detailed statements. As per the statements of the eye witnesses, it is elicited that the 5th respondent Mr.Mohammed Akbar is held responsible for the commission of offence in this case. Accordingly, he was shown as accused. Basing on the evidence, he was arrested and released him on station bail. The investigation is completed. Medical Certificate from the Care Hospital, Nampally, Hyderabad whereat the petitioner-complainant got treatment is awaited.

It is humbly submitted that almost all the averments made in the affidavit filed in support of the writ petition are the subject matter of investigation in Cr.No.209/2015 for which a detailed investigation is conducted and almost completed. The investigation is

pending for want of receipt of medical certificate from the Care Hospital, Nampally, Hyderabad who treated the injured-complainant-petitioner. As soon as the Medical Certificate is received, further course of action will be taken including of filing of charge sheet in this case.

All steps are being taken for obtaining the Medical Certificate. I pray this Hon'ble Court to grant some more time to the investigating agency for filing

appropriate report U/sec.173 Cr.P.C against the 5th respondent herein before the concerned Hon'ble Court. All the other allegations made in the affidavit are false and hence the same are denied."

3. On noticing the said instructions, learned counsel for the petitioner requested this court to dispose of the writ petition by recording the written instructions and to direct the respondent police authorities to conclude the investigation, as expeditiously as possible.

4. In view of the above, writ petition is disposed of, by recording the written instructions dated 29.09.2015, furnished by the Inspector of Police, Golconda Police Station, Hyderabad and the respondent police authorities are also directed to complete the investigation in Crime No.209 of 2015, as expeditiously as possible and file a final report, in accordance with law.

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

29th September, 2015
SS