

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.23026 OF 2011

DATED: 08.06.2015

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Between:

Karreddula Rama Rao

.. Petitioner

And

The Station House Officer, Bapatla Town,

Guntur District.

.. Respondent

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.23026 of 2011

ORDER:

The grievance of the petitioner herein was as to the action of the police authorities in interfering with his personal liberty.

The Inspector of Police, Bapatla Circle, Guntur District, filed a counter-affidavit stating that Crime No.115 of 2011 was registered under Sections 380 and 457 I.P.C. against the brother of the petitioner herein on the file of Nandyal II Town Police Station, Kurnool District. During the investigation thereof, the petitioner's brother had confessed that he had given the stolen properties to the petitioner. He also confessed to the commission of four offences pending in Crime Nos.140 of 2010, 27 of 2011, 128 of 2011 and 140 of 2011 on the file of Bapatla Town Police Station, Guntur District. The stolen articles in those offences were also stated to

have been deposited with the petitioner herein and other associates. Basing on the confession made by the petitioner's brother, the Station House Officer, Nandyal II Town Police Station, was stated to have seized the stolen articles from the accused in the other crimes. The Inspector further stated that steps were being taken to add the name of the petitioner in the cases as one of the accused as he had received stolen property. He further stated that upon coming to know of the confession made by his brother, the petitioner filed this case so as to prevent the police from taking further action.

No reply-affidavit was filed by the petitioner rebutting the above counter-affidavit averments.

In the light of the counter-affidavit filed, it is clear that the police authorities would necessarily have to investigate the role of the petitioner in the crimes pending against his brother and in the event the complicity of the petitioner is made out, they would necessarily have to proceed against him also. Needless to state, while undertaking this exercise, the police authorities are bound to follow the due procedure laid down by law.

Making this position clear, the writ petition is dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

8th June, 2015

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