

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

WRIT PETITION No.28213 of 2015

ORDER:

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

“to issue Writ or order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents 2 to 4 in not filing the charge sheet in crime No.97/2014 dt.24-08-2014 as illegal; arbitrary and contrary to the provisions under the Code of Criminal Procedure and consequently direct the respondents 2 to 4 to file the charge sheet in crime No.97/2014 dt.24-08-2014 pending on the file of the 4th respondent in the interest of justice and to pass such other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard Sri Ghantasala Udaya Bhaskar, learned counsel for the petitioner and learned Government Pleader for Home for the respondents 1 to 4, apart from perusing the material available before this Court.

Today, when the matter is called, written instructions, dated 11-09-2015, furnished by the Asst. Sub Inspector of Police, Koduru Police Station, Krishna District, have been placed on record by the learned Government Pleader for Home, and the said instructions read as under:

“It is submitted that the Station House Officer, Koduru police station, Krishna District received hospital intimation and the statement of the injured/complainant-petitioner herein from the Station House Officer, OPPS GHH, stating that she married to one Someshwer Rao and during the wedlock she blessed with a daughter and son and her husband discarded her. Three years back the complainant led extra marital relationship with the 5th respondent herein and since two

years she kept him away and developed relationship with another Koppanati Sambaiah. Knowing the same the 5th respondent picked up dispute alleging that he spent amount towards the marriage of her daughter and demanded to pay back. Later the 5th respondent assaulted the petitioner. Then the neighbours called ambulance 108 and she was sent to hospital.

Basing on the said statement a case in Cr.No.97/2014 dated 24-08-2014 U/s.447, 307 IPC has been registered against the 5th respondent herein-Subash Chandra Bose and investigation has been taken up by examining 6 witnesses and recorded their detailed statements. The Medical Officer issued Wound Certificate dated 30-10-2014 as injuries are simple in nature. The accused was arrested on 12-11-2014 and sent to judicial remand.

It is submitted that during the course of investigation it revealed that Section 3(2)(v) of SC/ST (POA) Act, 1989 is also attracted in addition to Sec.447, 307 IPC in this case, hence this respondent filed a Memo before the Hon'ble Addl. Judicial Magistrate of First Class, Avanigadda.

It is further submitted that the Superintendent of Police, Krishna District issued a Memo vide C.No.912/C3/2015 dated 26-1-2015 entrusting the investigation in Cr.No.97/2014 to the Sub Divisional Police Officer, Avanigadda and further directed to complete the investigation immediately.

It is further submitted that the investigation is completed, and charge was filed vide C.F.No.5061 before the Additional Judicial 1st Class Magistrate Court, Avanigadda on 10-09-2015 by Sub Divisional Police Officer, Avanigadda."

On noticing the above said instructions, learned counsel for the petitioner has requested this Court to record the said instructions and dispose of the writ petition.

In view of the above, the writ petition stands disposed of, by recording the written instructions dated 11-09-2015, furnished by the Asst. Sub Inspector of Police, Koduru Police Station, Krishna District.

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

A.V. SESA SAI, J.

Dt.11-09-2015

KO

-

-

-

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

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

WRIT PETITION No.29243 of 2015

-

September 10, 2015

Pn