

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

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WRIT PETITION NO.29619 OF 2015

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ORDER:

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

“... to declare the in action of the respondents/police in investigating the matter by following the Rule 7 of S.C.S.T (POA) Rules, 1995 in connection with Crime No.49 of 2014, dated 22-08-2014, on the file of Gudupalli Police Station as illegal and arbitrary and consequently direct the respondents to investigate the matter in Crime No.49 of 2014, dated 22-08-2014, on the file of Gudupalli Police Station more particularly following the Rule 7 of S.C.S.T (POA) Rules, 1995...”

2. Heard Mr.K.V.L.Narasimha Rao, learned counsel appearing for the petitioner and the learned Government Pleader for Home appearing for the respondents.

3. When the matter is called today, written instructions, dated 21-09-2015 furnished by the Deputy Superintendent of Police, SC/ST Cell-2, Madanapalle, Chittoor District have been placed on record by the learned Government Pleader. The said instructions read thus:

“ It is respectfully submitted one D.Murthy/the petitioner herein lodged complaint against one T.Manju and others stating that they criminally trespassed into house with deadly weapons and sticks, assaulted him, set fire to his tractor, and also created panic in the minds of public by dragged the complainant into the village and criminally trespassed the house of Deva also and cattle shed and set fire to the house articles, biruva, committed arson and also went to his bore well, cut the motor and threw it into the bore well and also set fire to the sticks in the garden and caused mischief to a tune of about Rs.10 lakhs to the complainant, hence requested to take necessary action.

Basing on the complaint a case was registered in Cr.No.49/2014 U/Section 147,148, 452, 435, 436, 427 r/w 149 IPC and 7(1) of Criminal Law Amendment Act, 1932. The Investigation Officer took up the investigation.

During the course of investigation, the Tahsildar issued the caste certificate of the accused, it reveals that 16 accused were belongs to non SCS and 7 members belongs to SC. Hence the section of Law added U/s 3 (2) (IV) of SC/STS POA Act, 1989, the investigation is handed over to the Competent Authority.

It is further submitted that, the A1-A4 were absconding and A5 to A23 got anticipatory bail from the Hon'ble High Court of A.P. vide CrIPNo.9211/2015, dated 14-09-2015. Efforts are being made to trace out the absconding accused and charge sheet was filed on 18-09-2015 before the Hon'ble Judicial I Class Magistrate, Kuppam and PRC no. is awaited.

4. On noticing the said instructions, it is requested by the learned counsel for the petitioner to dispose of the writ petition by recording the written instructions.

5. In view of the above submission, the writ petition is disposed of by recording the written instructions furnished by the Deputy Superintendent of Police, SC/ST Cell-2, Madanapalle, Chittoor District. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

A.V.SESHA SAI, J

DATED: 09-10-2015

Hsd