

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

WEDNESDAY THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 28312 OF 2015

—

Between:

V. Srinivasa Sastry ... Petitioner

Vs.

The State of Telangana
Represented by its Prl.Secretary,
Home Department,
Secretariat, Hyderabad & Ors. ... Respondents

Counsel for the Petitioner: Sri M.S. Rao

Counsel for the Respondents: GP for Home [TG]

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE A.V. SETHA SAI

WRIT PETITION NO. 28312 OF 2015

ORDER:

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

“To declare the action of the third respondent in their inaction and negligent attitude over the Crime No. 257 of 2013 under section 120-B, 201, 218, 466, 471 of IPC of Sanjeevareddy Nagar Police Station is illegal, arbitrary and violative of fundamental rights guaranteed by the Constitution of India and principles of natural justice and to direct the respondents 1 to 3 to take immediate and appropriate action against the respondents 4 to 6 accused in Crime No. 257 of 2013 under section 120-B, 201, 218, 466, 471 of IPC of Sanjeevareddy Nagar Police Station and file charge sheet/final report before the concerned court and to pass such other suitable order as this court may deem fit and proper in the circumstances of the case.”

2. Heard Sri M.S. Rao, learned counsel for the petitioner and the learned Government Pleader for Home for the respondents.

3. When the matter is called, written instructions dated 15/9/2015 furnished by the Sub-Inspector of Police, S.R.Nagar Police Station have been placed by the learned Government Pleader for Home for the respondents.

3. The written instructions, reads 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 SR Nagar Police Station and lodged a complaint on 25/3/2013 and upon which, a case in Cr.No. 257/2013 under section 120-B, 201, 218, 466, 471 of IPC was registered on 25/3/2013 and taken up the investigation. During the course of investigation, the investigating officer examined the complainant-petitioner and some other witnesses and recorded their detailed statements. The investigation is under conclusion stage. The same is pending for want of collection of material evidence to establish the offence. Necessary steps will be taken against the accused persons depending on the outcome of the investigation.

It is pertinent to submit that almost all the averments made in the affidavit are the subject matter of investigation in Cr.No.257/2013 for which a detailed investigation is under hectic progress. It will complete within ten days. I assure to this Hon'ble court that the investigation will be completed within ten days and an appropriate report under section 173 Cr.P.C. will be filed before the concerned Hon'ble court by following the due procedure. I humbly submit that some delay has occurred in completing the investigation of the case, which is neither willful nor wanton.

It is pertinent to note that the doctor, who issued the medical certificate to the petitioner herein addressed a letter to the investigating agency on 09/09/2015 that he was Superintendent of Prima Hospital, Ameerpet during the month of April, 2010 and that he had given MLC to Mr.V.Srinivas Shastri vide MLC.No. 2334 for his minor injuries over face as simple injuries. After seeing his documents fully he had an after thought that facial injuries might lead to disfigurement in future for which he thought it better to give grievous injury certificate so that benefit of doubt goes to the victim. Thus, he might have given grievous injury certificate on the same date superseding the simply injury certificate. The Superintendent office might not have cancelled the simple injury MLC and forwarded both the SHO SR Nagar PS and further stated that the mistake is highly regretted.

The said letter is also under scrutiny and the same will also be taken into consideration.

I pray this Hon'ble court to grant a fortnight [15 days time] to the investigating agency for completion of full fledged investigation and file the appropriate report under section 173 Cr.P.C. before the concerned Hon'ble court..”

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

5. In view of the above, the writ petition is disposed of by recording the above instructions furnished by the Sub-Inspector of Police, S.R. Nagar Police Station. No costs.

6. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.

JUSTICE A.V.SESHA SAI

23/09/2015
I s L

HONOURABLE SRI JUSTICE A.V. SESHA SAI

-

-

