

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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WP No. 40019 of 2014

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Date of Judgment: 22.1.2015

Between:

Mandiga Navakoti and another

...Petitioners

And

The State of Andhra Pradesh and others

..Respondents

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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WP No. 40019 of 2014

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ORDER:

Heard learned counsel for the parties.

According to the petitioner, they filed separate complaints in the Court of the Judicial Magistrate of First Class, Kota against fourth respondent and others with regard to land in Sy.Nos. 1345 and 1284/1 situated at Kota village and Mandal, Nellore district. The said Court referred the complaints to third respondent for

investigation and report under Section 156 (3) Cr.P.C. with a direction to submit the report by 24.7.2014. The said complaints were registered as Cr.No. 209 of 2014 under Sections 133, 448, 427, 436, 324, 149 IPC and Cr.No. 211 of 2014 was registered under Sections 143, 448, 427, 436, 324, 149 IPC and Sec. 3 (1) (x) of SCs & STs (Prevention of Atrocities) Act, 1989. The grievance of the petitioners is that though the learned Magistrate, on 24.6.2014, directed the third respondent to investigate the cases and file reports by 24.7.2014, the said order has not been complied with by the third respondent by filing the reports. Hence the present writ petition.

Learned Government Pleader for Home, on instructions, submits that after receipt of the complaints, the third respondent registered the crimes on 1.11.2014 and 2.11.2014, examined four witnesses and recorded their statements and after obtaining permission from the Sub-Divisional Police Officer, Gudur Nellore district and serving notice on the petitioners, an appropriate final report will be filed in the concerned Court basing upon the investigation. It is also stated that the fourth respondent also lodged a complaint in Cr.No. 89 of 2014 under sections 448, 323, 354, 379, 436 IPC r/w 34 IPC with regard to land in Sy.Nos. 1345 and 1284/1 situated at Kota village and Mandal, Nellore district against one

Meejuri Malli and others which was investigated and charge sheet was filed.

In view of that, this writ petition is disposed of directing the third respondent to complete the investigation and file an appropriate final report before the concerned Magistrate expeditiously.

Miscellaneous applications, if any, shall stand closed. No order as to costs.

VILAS V. AFZULPURKAR, J

Dt. 22.1.2015
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