

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

WRIT PETITION No. 25071 OF 2015

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

“to issue Oder or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the respondent No.3 in arresting the respondent No.4 and serving the summons on respondent No.5 in C.C.No.802 of 2014 as is illegal, arbitrary and in violation of and also violation of Article 14 and 21 of Constitution of India and consequently direct the respondent No.3 to arrest the respondent No.4 and serve the summons to respondent No.5 in C.C.No.802 of 2014 expeditiously in accordance with law and to pass such other order or orders as this Hon'ble Court may deems fit just and proper in the circumstances of the case.”

2. When the matter is called today, written instructions dated 14.08.2015, furnished by the Sub Inspector of Police, Narayanaguda Police Station, Hyderabad, have been placed on record by the learned Government Pleader for Home and the said instructions read as under:

“It is respectfully submitted that as per the records, it is true that the Hon'ble Court of Addl.Chief Metropolitan Magistrate, Hyderabad had issued fresh Non-Bailable Warrant against A1 Mr.Syed Ayub Osmani A-Hasni (4th respondent herein) and issued fresh summon against A2 Asmath Unisa Begum (5th respondent herein) on 13.8.2015 in connection with C.C.No.802 of 2014 and directed the Station House Officer, Narayanaguda Police Station to execute the NBW against 4th respondent herein (A1) and serve the summon on 5th respondent(A2) and produce them before the Hon'ble Court on 26.10.2015.

Pursuant the same, the Station House Officer, Narayanaguda Police Station deputed the staff to the address given in the NBW as well as summon in the

above CC.No.802/2014. In the present address given in the NBW as well as summon, the own brothers of A1 and A2 are residing. They stated that A1 and A2 (who are the brother and sister) left their house 3 years back due to internal disputes between them and their whereabouts are not known to them and probably they are residing outside the State and they assured us to get their addresses as early as possible.

It is humbly submitted that for execution of NBW as well as summon against the 4th and 5th respondents herein, a special team headed by the Head Constable and PCs was constituted and they are in the job for execution of the same.

I humbly submit that I pray this Hon'ble Court to grant some more time to the respondent police, for execution of NBW and serving of summon on A1 and A2 (4th and 5th respondents herein).

I humbly submit that all possible steps are being taken for execution of NBW and serving of summon on the 4th and 5th respondent herein.

Copy of NBW as well as summon issued by the Hon'ble Court dt.13.8.2015 are filed along with the written instructions for the kind perusal of this Hon'ble Court.

I assure to this Hon'ble Court that the NBW will be executed against A1 (4th respondent herein) and summon on A2 (5th respondent herein) as expeditiously as possible and produce them before the Hon'ble Court by the next date of hearing i.e., 26.10.2015 (CC No.802/14)."

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

4. In view of the above reasons, writ petition is disposed of, by recording the written instructions dated 14.08.2015, furnished by the Sub Inspector of Police, Narayanaguda Police Station, Hyderabad.

5. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

17th August, 2015
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