

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.Nos.572 and 6059 of 2015

COMMON ORDER:

Both these writ petitions are filed seeking withdrawal of blue corner notice issued against A1, who is the 1st petitioner in W.P.No.572 of 2015 with reference to Cr.No.10 of 2014 registered on the file of the 3rd respondent. Petitioner No.2 in W.P.No.572 of 2015, who is the father of A1, states that A1 has already been granted anticipatory bail by the Additional District and Sessions Judge, West Godavari, Kovvur, in CrI.M.P.No.1558 of 2014, dated 25-11-2014. In order to fulfil the conditions, as imposed in the said order, it is necessary for A1 to come down to India and to defend himself in the said crime. A1 accordingly made a representation before the Additional Director General of Police, Hyderabad-4th respondent and the 4th respondent, vide order, dated 07-01-2015, advised A1 to make representation before the Originator of Blue Notice i.e., the Superintendent of Police, West Godavari District. Aggrieved by non-withdrawal of blue corner notice, W.P.No.572 of 2015 is filed and the said writ petition was heard and the following order was passed on 21-01-2015.

“The 1st petitioner, who is A1 in Cr.No.10 of 2014 for the offences punishable under Section 498-A IPC and Section 4 of Dowry Prohibition Act, was granted anticipatory bail by the Additional District and Sessions Judge, West Godavari on 25-11-2014 in CrI.M.P.No.1558 of 2014. Meanwhile, as the 1st petitioner is residing in U.S.A., blue corner notice was issued against him. The petitioners seek withdrawal of the said notice in view of anticipatory bail granted by the competent criminal court. They have also made representations before respondents 2 to 4.

Pursuant thereto, the 4th respondent-Additional Director General of Police, CID, Andhra Pradesh, Hyderabad, passed order vide C.No.2901/C61/IP/CID/ 2014, dated -01-2015 advising the petitioners to submit representation before the 2nd respondent-Superintendent of Police, West Godavari District, Eluru. Accordingly, the petitioners made representation before the 2nd respondent on 09-12-2014. Alleging that no action is taken by the 2nd respondent, the present writ petition is filed.

The order passed by the 4th respondent referred to above is already communicated to the 2nd respondent and the petitioner's representation is also pending with the 2nd respondent.

Hence, pending further orders, the 2nd respondent shall take appropriate action on the representation made by the petitioners on 09-12-2014 as per the directions of the 4th respondent, referred to above, and forward appropriate recommendations to the 4th respondent within ten days from today."

It appears that basing on the said order, the 2nd respondent has sent his recommendation to the 4th respondent on 21-02-2015 and a copy was forwarded to A1, wherein the 2nd respondent was of the view that blue corner notice issued against A1 cannot be cancelled. However, he placed his recommendation before the 4th respondent as stated above. Against the said recommendation of the 2nd respondent, the father of A1 has filed W.P.No.6059 of 2015 before this Court.

It is evident from the facts above that the 4th respondent is seized of the matter and he has to take appropriate decision in the matter, based upon the recommendations of the 2nd respondent and other facts and circumstances of the case. Whether the request of A1

for withdrawal of blue corner notice is justified on the facts and circumstances of the case, is a matter to be independently assessed and considered by the 4th respondent, particularly in the light of the fact that A1 was already granted anticipatory bail, as noted above, and it is stated that he seeks to come down to India with a view to comply with the conditions imposed in CrI.M.P.No.1558 of 2014, dated 25-11-2014.

In view of the above, therefore, in my view, since the 4th respondent is yet to take decision in the matter, both these writ petitions are disposed of with a direction to the 4th respondent to consider the matter independently and take appropriate decision in accordance with law expeditiously. No order as to costs.

Miscellaneous petitions, if any, pending in these writ petitions shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 13-03-2015

Prv

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