

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

WRIT PETITION No.32829 of 2015

ORDER:

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

“to issue writ of Mandamus to declare the action of the Second Respondent in not conducting investigation in Crime No. 26 of 2012 and submitting charge sheet before the Hon'ble III Additional Judicial magistrate of First Class, at Tirupat4 as illegal, arbitrary, contrary to the provisions of Criminal Procedure Code, violative of principles of Natural Justice, violative of Articles 14, 21 of constitution of India and consequently direct the Respondent 2 to complete the investigation and submit the charge sheet expeditiously.”

Heard Sri G. Kalyan Chakravarthy, learned counsel for the petitioner and learned Government Pleader for Home for respondents, apart from perusing the material available before this Court.

A counter-affidavit deposed by the Deputy Superintendent of Police, Women Police Station, Tirupati Urban, Chittoor District is filed before this Court and paragraph No.11 of the said counter-affidavit reads as under:

“It is respectfully submitted that as stated above the charge sheet was filed on 04-04-2013 against A1 to A3 by showing A1 before the Hon'ble IV Additional District Munsiff Magistrate, Tirupathi. The Hon'ble Court has returned the charge sheet for want of compliance of certain remarks. Again on 08-11-2013 the then investigating officer has resubmitted the charge sheet before the Hon'ble Court. On 11-02-2014 the Hon'ble Court has taken on file vide C.C.No.64/2014 and issued Non Bailabale Warrant against A1. However, the requisition to issue Look Out Circular against A1 was

sent to the Addl. Director General of Police CID, A.P., Hyderabad vide No.223/C3/DCRB-TPT-(U)/2011, dated 30-07-2014. Subsequently Look Out circular was issued against A1. It is submitted that the case is pending trial before the Hon'ble Court. It is submitted that during the course of trial the accused A2 was expired on 19-05-2014. It is submitted that after filing the charge sheet the petitioner filed the present writ petition on 06-10-2015. Hence the writ petition is not maintainable and liable to be dismissed."

It is clear from the averments in paragraph No.11 of the counter-affidavit that police already filed charge sheet on 08-11-2013 and the case is numbered as C.C.No.64 of 2014 on the file of the Hon'ble IV Additional District Munsiff Magistrate, Tirupathi. In view of the same, nothing remains for adjudication in this writ petition.

For the aforesaid reasons, the writ petition is closed.

Miscellaneous Petitions pending, if any, shall stand closed.
There shall be no order as to costs.

A.V. SETHA SAI, J

October 27, 2015

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