

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

PRESENT

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.4937 OF 2015

DATED:03.03.2015

Between:

K.V.N.Murthy.

... Petitioner.

And

The District Judge, Visakhapatnam,
Andhra Pradesh and another.

... Respondents.

**THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR**

-
WRIT PETITION No.4937 OF 2015

ORDER: (per the Hon'ble The Chief Justice Sri Kalyan Jyoti Sengupta)

This writ petition has been filed taking legal objection with regard to the prosecution of the matter.

It is well settled principle of law that charge sheet can be interfered with by the writ Court, only when the Court finds that there is no *prima facie* case of misconduct.

Here, we do not find such infirmity. It appears that there are *prima facie* allegations. However, maintainability of the charge sheet can also be questioned, as it is submitted that it is based on a confessional statement said to have been made before the police. All these pleas can be taken by the petitioner in his written reply. He has not given any reply as yet.

The Enquiry Officer will consider all points and pleas to be agitated by the petitioner in his written reply and decide the same in accordance with law. We desire that the enquiry proceedings shall be completed within a period of four months from the date of communication of this order provided the petitioner cooperates with the Enquiry Officer.

The writ petition is dismissed as indicated above.

Pending miscellaneous petitions, if any, shall also stand dismissed. There will be no order as to costs.

K.J. SENGUPTA, CJ

SANJAY KUMAR, J

03.03.2015

GJ / KVNI