

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.557 of 2013

ORDER:

The prayer of the petitioner in this case is as under:

“the Hon'ble Court may be pleased to issue a Writ, or Order or Direction more particularly one in the nature writ of Mandamus, to declare the investigation in Crime No.52 of 2008 in S.C.No.418 of 2010 on the file of I Metropolitan Sessions Judge, Nampally, Hyderabad, is incomplete, arbitrary and unjust and consequently direct the Respondent No.1 to investigate further and take necessary steps in accordance with law and pass such other order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.”

Sri M. Govind Reddy, learned counsel for the petitioner, stated that the petitioner is not seeking reinvestigation or fresh investigation in Crime No.52 of 2008 but only wants further investigation to be conducted.

In the light of the law laid down by this Court in ***Yoginder Garg v. Government of Andhra Pradesh represented by its Principal Secretary, Hyderabad***^[1], it would be open to the petitioner to approach the learned I Metropolitan Sessions Judge, Nampally, who is seized of Sessions Case No.418 of 2010, by way of an application under Section 173 (8) Cr.P.C. for seeking such relief.

The writ petition is accordingly disposed in terms of the afore-stated decision permitting the petitioner to move an application under Section 173(8) Cr.P.C. before the trial Court. In the event such an application is filed, the same shall be dealt with expeditiously duly taking into account the afore-stated case law.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

Date:28.03.2016

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[\[1\]](#) W.P.NO.10671 OF 2013 Dt.16.12.2015