

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

W.P.NO.21444 OF 2016

ORDER

Heard the learned counsel for the petitioner and the learned Government Pleader for Home for respondents.

As per writ averments, the claim of the writ petition is that he belongs to S.C. (mala) Community and he lodged a report against the one Nageswara Rao Angirekula for the offence punishable under Section 3(1)(x) of SCs and STs (POT) Act, 1999, which is registered as Crime No.30/2016 on the file of T.Sunder Police Station, Guntur District. The accused filed CrI.P.No.7493/2016 and this court by order dated 6.6.2016 disposed of the petition directing the police to proceed with the investigation without arresting the petitioner. Now the grievance of the petitioner is that though investigation is completed and charge sheet is filed, the 3rd respondent - Station House Officer is not arresting the accused and therefore, sought a direction to arrest the accused.

The learned counsel for the petitioner mainly submits that in the charge sheet filed by the police, it is not shown as to whether the petitioner was arrested or as whether he obtained bail and, hence, there is inaction on the part of the 3rd respondent – Station House Officer in arresting the accused.

It is to be noted that copy of the charge sheet is not placed before this court to verify as to whether the statement of the learned counsel for the petitioner is true or not. The question of police arresting the accused in Cr.No.30/2016 would not arise in view of the orders passed by this Hon'ble Court in CrI.P.No.7493/2016 wherein this Hon'ble Court ordered stay of arrest pending investigation. Once charge sheet is filed, it is for the court concerned to decide as to whether the situation warrants issuance of arrest warrant or remand of the accused. This court sitting under Article 226 of the Constitution of India cannot go into these aspects more so when the matter is seized by a competent criminal court.

Hence, I do find any merit in the writ petition and the same is dismissed. No costs.

Miscellaneous petitions pending if any, shall stand closed.

AVS

01—07—2016