

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

PRESENT

THE HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT APPEAL No.136 OF 2016

DATED: 24.02.2016

Between:

D.Durga Kumari

... Appellant

and

The State of Telangana and others

... Respondents

**THE HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE P. NAVEEN RAO**

WRIT APPEAL No.136 of 2016

PC: (per the Hon'ble The Acting Chief Justice Dilip B. Bhosale)

This writ appeal is directed against the following order dated 31.12.2015 passed in WVMP.Nos.3658 and 3991 of 2015 and WPMP.No.33981 of 2015 in Writ Petition No.26165 of 2015.

"Sri Gajanan Chakravarthy, learned counsel representing Sri Venkata Sai Krishna Ponnuru, learned counsel, states that the learned counsel is out of station and requested for an adjournment.

However, as the vacate stay petitioner appears as a party-in-person and states that despite her best efforts, she could not secure the presence of the learned counsel and the same is evident from the docket proceedings relating to the lunch motion on 28.12.2015, the interim stay granted on 19.08.2015 is modified to the extent of permitting the police authorities to continue with the investigation in Crime No.679 of 2015 on the file of Uppal Police Station, Ranga Reddy District. But pending completion of such investigation and filing of a final report before the competent Court, the petitioner shall not be subjected to arrest. The petitioner shall however cooperate with the investigation of the case."

Sri Pulla Rao Yellanki, learned counsel for the appellant submits that the protection granted by learned Single Judge in the impugned order directing the

investigating officer not to arrest respondent No.3 is wrong and if that is not set aside, it would not be possible for the investigating agency to complete the effective investigation.

We cannot entertain such prayer made on behalf of the appellant at whose instance learned Judge passed the impugned order. By the impugned order, investigating agency is directed to continue with the investigation in Crime No.679 of 2015 registered at Uppal Police Station, Ranga Reddy District. It is always open to the investigating officer to apply for appropriate order before the Court, where the Writ Petition is pending, including seeking permission to arrest the accused, if they so desire and if custodial interrogation is found to be necessary. In view of such option being open to the investigating agency, we are not inclined to interfere with the order passed by the learned Single Judge.

Hence, the writ appeal is dismissed.

Consequently, miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

24th FEBRUARY, 2016.

P. NAVEEN RAO, J

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