

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.36737 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India to declare the action of respondent No.3 in trying to implicate the petitioner as an accused in Crime No.72 of 2015 on the file of Madhavaram Police Station, Kurnool District without there being any evidence as illegal and arbitrary, and consequently, to direct respondent No.3 to drop further investigation in the said crime insofar as the petitioner is concerned.

2. Heard and perused the material available on record.
3. Case of the petitioner is that basing on a complaint lodged by one U.Sunil Kumar, respondent No.3 registered the same as the aforementioned crime for the offences punishable under Sections 34(A)(1) read with 9(1), 10(1) and 11(2) of the A.P. Excise Act; that though he is not an accused in the said crime, respondent No.3 is trying to implicate him in the said case basing on the confession made by some other persons, who are also not shown as accused in the F.I.R., and arrest him.
4. Learned Assistant Government Pleader for Home submitted that the petitioner is not added as an accused in the aforementioned crime and respondent No.3 is investigating the matter in accordance with law.
5. Considering the facts and circumstances of the case and the grievance of the petitioner, without expressing any opinion on

merits, respondent No.3 is hereby directed to complete the investigation in the aforementioned crime and file a final report, in accordance with law in either way, without arresting the petitioner, if he is added as an accused in the said crime.

6. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

7. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

31.10.2016
AMD

JUSTICE RAJA ELANGO



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Date: 31.10.2016

AMD