

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.42951 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking a writ of mandamus directing the respondents 1 and 2 to transfer the case in F.I.R.No.76 of 2015 on the file of respondents 4 & 5 to the SC & ST Cell, CB CID for a fair and speedy investigation and consequently, direct the CB CID Wing to appraise the progress in the case to this Court.

Today, when the matter is taken up for admission, the learned Assistant Government Pleader produced a copy of written instructions received from the Sub-Divisional Police Officer, Kovvur, West Godavari District, who is the investigating officer in the case. Para 4 of the copy of written instructions reads thus:

“It is submitted that as per the orders of the Superintendent of Police, W.G.District, Eluru, vide C.No.5146/C2.Auth/SC.ST/2015, dt.03.10.2015, I have taken up investigation and during my thorough investigation, I have examined as many as (9) witnesses and recorded their statements. There was no evidence found during the investigation about the commission of the offence as alleged by the petitioner in the complaint in the above-said crime. Accordingly, the same was referred as ‘Lack of Evidence’, as per the orders of the Superintendent of Police, W.G.Dist., Eluru vide C.No.5146/C2/Auth/SC&ST/2015, dt.15.11.2016. Further, after service of refer notice to the petitioner-complainant on 13.12.2016, final report in Cr.No.76/2015 is filed before the Hon’ble II AJFCM Court, Kovvur, on 14.12.2016, vide SR No.9395/16.”

Recording the above instructions, the writ petition is disposed of granting liberty to the petitioner to file a protest petition before the concerned court if he is aggrieved over the final report referring the case by the investigating officer as ‘lack of evidence’. No costs.

Pending Miscellaneous Petitions, if any, shall stand closed.

23.12.2016.
Tsr

RAJA ELANGO,J



