

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.37514 of 2012

ORDER:

1. The petitioner states that he belongs to Scheduled Caste community and is having two sisters and one brother. He is working as M.P.H.E.O at Primary Health Centre, Galavali, Vizianagaram District. His brother also completed health assistance course and was in search of job. He states that three criminal cases, Crime Nos.55, 59 and 111 of 2010 were registered against his brother in Therlam Police Station. He also states that since the whereabouts of his brother are not known, he filed W.P.No.4797 of 2012 seeking a Writ of Habeas Corpus for production of his brother and the said writ petition was disposed of by this Court on 12.03.2012 directing the Station House Officer, Therlam Police Station, respondent No.4, to continue the search operations. This writ petition was filed alleging that the 4th respondent is not taking any interest in spite of said direction of this Court.

2. The learned Government Pleader for Home, on the basis of the written instructions submitted by the 4th respondent, stated that the petitioner approached the police station on 04.02.2012 and lodged a complaint stating that his brother was found missing from his village, Permal. Pursuant to the said complaint, a case in Crime No.5 of 2012 was registered on 04.02.2012 and investigation was taken up. During the course of investigation, seven witnesses were examined and their statements were recorded. The information about the missing man and the descriptive particulars were transmitted to all the police stations and a radio message was flashed to all the Inspectors in Andhra Pradesh. The missing man was involved in five criminal cases, which are as follows:

“i. Cr.No.55/2010 under Sections 457, 380 I.P.C.

The case is pending trial vide C.C.No.105 of 2011 before the Hon'ble Additional Judicial Magistrate of First Class Court, Bobbili.

ii. Cr.No.59/2010 under Section 379 I.P.C. The case is pending trial vide C.C.No.106 of 2011 before the Hon'ble Additional Judicial Magistrate of First Class Court, Bobbili.

iii. Cr.No.111/2010 under Section 379 I.P.C. The case is pending trial vide C.C.No.106 of 2011 before the Hon'ble Additional Judicial Magistrate of First Class Court, Bobbili.

iv. Cr.No.228/2010 under Sections 457, 380 I.P.C of Bobbili Police Station. The case is pending trial vide C.C.No.255 of 2011 before the Hon'ble Additional Judicial Magistrate of First Class Court, Bobbili.

v. Cr.No.89/2010 under Sections 457, 380 I.P.C of Seethanagaram Police Station. The case is pending trial vide C.C.No.96 of 2011 before the Hon'ble Additional Judicial Magistrate of First Class Court, Bobbili.

It is further stated that though the concerned Criminal Court issued Non Bailable Warrants, the whereabouts of the missing man are not known. The suspect sheet is being continued against the missing man up to 31.12.2016. A special team was also constituted to trace out the missing man, but no clues are forthcoming.

3. In view of the involvement of the missing man in the above five criminal cases and also opening of a suspect sheet against him, which is being continued up to 31.12.2016, the fourth respondent is directed to continue the search operations as ordered by this Court in W.P.No.4797 of 2012 dated 12.03.2012.

4. The Writ Petition is accordingly closed. No order as to costs.

5. Miscellaneous petitions, if any, pending shall stand closed.

A.RAMALINGESWARA RAO, J

29-02-2016

Gsn