

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.8378 of 2016

ORDER:

The prayer of the petitioner in this case is as under:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue any writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the official respondent No.2 & 3 in conducting fair investigation in S.C.No.568 of 2014 pending on the file of Metropolitan Sessions Judge, Hyderabad as illegal, arbitrary, in violation of Article 14 and 21 of the Constitution of India besides in violation of Indian Penal Code and Criminal Procedure Code and consequently direct the respondent no.4 and 5 for fresh investigation in the above case and to pass such other order or orders as this Hon'ble Court may deem fit just and proper in the circumstances of the case.”

Though the petitioner has stated that he seeks fresh investigation in the case which is presently before the learned Metropolitan Sessions Judge, Hyderabad, vide S.C.No.568 of 2014, Sri S.A.V. Sai Kumar, learned counsel for the petitioner, would state that what is being sought now is further investigation and not fresh investigation or re-investigation.

If that be so, in the light of the law laid down by this Court in the order dated 16.12.2015 in W.P.No.10671 of 2013 and Crl.R.C.No.1054 of 2013 (Yoginder Garg v. Govt. of A.P.), it would be open to the petitioner to seek such relief before the Court concerned by filing an application under Section 173(8) Cr.P.C. in accordance with law.

Reserving liberty to the petitioner to do so, the writ petition is dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

15th March, 2016
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