

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.42718 OF 2016

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking to declare the action of the 2nd respondent in registering Crime No.108 of 2016 of Kodimial Police Station for the offences punishable under Sections 3 and 6 of the Explosive Substances Act, 1908 and thereby proceeding to arrest the petitioner in the process of investigation, as arbitrary and illegal and consequently, to quash the same.

2. In the affidavit filed in support of the petition, it is stated that the 3rd respondent filed a complaint on 29.11.2016 before the 2nd respondent stating that on receipt of credible information that some persons blasting rocks by using compressor, he rushed to the scene of offence and found the petitioner and others. It is stated that except the alleged confessional statements of A.1 and A.2, there is no material to connect the petitioner with the crime. It is stated that the petitioner is no way concerned with the alleged blasting activity by A.1 and A.2.

3. The learned Assistant Government Pleader submits that on the basis of the complaint, a case was registered against the petitioner and others and the respondents are investigating into the matter in accordance with law.

4. The main grievance of the petitioner is that basing on the complaint lodged by 3rd respondent, the 2nd respondent is trying to

arrest the petitioner without conducting any enquiry and without issuing any notice.

5. Considering the facts and circumstances of the case and the grievance of the petitioner, without expressing any opinion on merits, respondents No.2 is directed to complete the investigation in Crime No.108 of 2016 of Kodimial Police Station, Jagtial District and file a final report, in accordance with law in either way, without arresting the petitioner herein. The petitioner is directed to report before the 2nd respondent as and when required. The petitioner is further directed to execute a personal bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with one surety to the satisfaction of the 2nd respondent as surety for his future appearance for the purpose of investigation.

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

DECEMBER 09, 2016
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Date:09.12.2016

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