

HON'BLE SRI JUSTICE RAJA ELANGO

Writ Petition No.42773 of 2016

ORDER :

The Writ Petition is filed under Article 226 of the Constitution of India seeking to issue a writ or order, more particularly one in the nature of writ of *Mandamus* declaring the inaction of the respondent No.2 in providing police protection to the petitioner herein and failing to bring to the notice of the Hon'ble VI Special Metropolitan Magistrate and Hon'ble VII Special Metropolitan Magistrate at Cyberabad of the threat against the petitioner's life from some of the complainants, as a serious violation of the fundamental rights guaranteed to the petitioner under Articles 14, 19 and 21 of the Constitution of India and consequently, direct the petitioner No.2 to provide adequate protection to the petitioner in order to enable him to appear before the Hon'ble VI Metropolitan Magistrate, Cyberabad and the Hon'ble VII Metropolitan Magistrate, Cyberabad to defend the cases filed under the N.I.Act, 1881 by the former workers of Techtran Polylenses Limited.

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Home and perused the material available on record.

After arguing for sometime, the learned counsel for the petitioner, while not pressing for the main prayer, confined his arguments only to the extent of pendency of the N.B.W.

Considering the facts and circumstances of the case, the Writ Petition is disposed of with the following directions :

- (i) The petitioner is directed to appear before the concerned court on or before 30-01-2017 and file an application to recall the N.B.W. On such application, the Court concerned is directed to recall the same on the same day; and
- (ii) if the petitioner approaches the 2nd respondent – Station House Officer and gives representation for Police protection stating that his life and liberty to be protected, the 2nd respondent is directed take appropriate action on the basis of the facts and circumstances of the said representation.

The Writ Petition is accordingly disposed of. There shall be no order as to costs.

Consequently, miscellaneous petitions pending, if any, in the writ petition shall stand closed.

JUSTICE RAJA ELANGO

08th December, 2016
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