

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE DR JUSTICE SHAMEEM AKTHER

Writ Appeal No.535 of 2017

JUDGMENT: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

This appeal, under Clause 15 of the Letters Patent, is preferred by the 4th respondent in Writ Petition No.39976 of 2016 dated 18.11.2016. The unofficial respondents herein filed W.P.No.39976 of 2016 to declare the action of the Station House Officer, Jubilee Hills Police Station, Hyderabad, in registering F.I.R.No.583 of 2016 dated 29.09.2016 against them, as arbitrary and illegal.

At the admission stage, without the appellant herein being put on notice and without giving her an opportunity of being heard, the writ petition was disposed of; and, while directing him to complete the investigation and file a final report in the said Crime in accordance with law, the Station House Officer was directed not to arrest the unofficial respondents herein (petitioners in the writ petition).

While we find considerable force in the submission of Sri P.Venkat Reddy, learned counsel for the appellant, that the writ petition could not have been allowed at the stage of admission, without the appellant herein (4th respondent in the writ petition) being put on notice and without being given an opportunity of being heard, the fact remains that, in the light of the judgment of the Supreme Court in ***Ram Kishan Fauji vs. State of Haryana and others***¹, an appeal under Clause 15 of the Letters Patent does not lie in the exercise of the criminal jurisdiction by a Learned Single Judge of the High Court.

The present appeal, filed under Clause 15 of the Letters patent, is therefore not maintainable. However, since the order under appeal was passed on 18.11.2016 and the appeal was filed on 27.02.2017 even before the judgment of the Supreme Court in ***Ram Kishan Fauji***, we

¹ Judgment in Civil Appeal No.4288 of 2017 dated 21.03.2017

grant the appellant herein liberty (as was granted by the Supreme Court in **Ram Kishan Fauji**) to assail the order of the Learned Single Judge in accordance with law.

The Writ Appeal stands disposed of accordingly. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(DR. SHAMEEM AKTHER, J)

21st April, 2017
JSU



THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE DR JUSTICE SHAMEEM AKTHER



Writ Appeal No.535 of 2017

Date: 21.04.2017

JSU