

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.7546 of 2013

ORDER:

No representation for petitioner. Heard the Assistant Government Pleader for Home.

The petitioner complains against abuse by respondents 4 and 5 in Cr.No.8 of 2013 and also pray for transferring the crime to CBCID for proper investigation.

The Assistant Government Pleader by relying on the stand taken in paragraphs 5 and 6, which read thus:-

“5. It is respectfully submitted that a requisition was filed before the Hon'ble Court of Addl. Judl. Magistrate of 1st Class at Kadiri praying it to forward the material objects which were seized during the course of investigation to the Professor, Forensic Medicine Department, Govt. Medical College, Anantapur for examination. The same is pending consideration before the Hon'ble Court. It is pertinent to submit that almost the investigation is completed. As soon as the FSL report is received from the concerned authorities, appropriate report U/ Sec 173 Cr.P.C. will be filed before the concerned Hon'ble Court by duly following the procedure.

6. It is respectfully submitted that almost all the averments made in the affidavit filed in support of the writ petition are the subject matter of investigation in Cr.No.8/2013 registered for the offence punishable under Section 302 IPC for which an impartial investigation conducted by the local Police and all the accused who are responsible for the commission of murder were arrested and remanded them to judicial custody. As soon as the receipt of report from the FSL authorities, appropriate report U/ Sec 173 Cr.P.C. will be filed before the concerned Hon'ble Court. While the investigation was completed and the respondent Police are

going to file appropriate report before the concerned Hon'ble Court at the earliest, at this juncture, the request of the petitioner to entrust or transfer the investigation to the CBCID is not proper and just. It is submitted that on mere apprehension, the petitioner rushed to this Hon'ble Court and filed the present writ petition with baseless allegations. Hence the writ petition deserves no consideration.

submits that the investigation is completed and when the respondents are about to file charge-sheet, the present writ petition is filed. The grounds raised in the affidavit do not attract transferring the crime to CBCID for investigation.

No doubt, in cases where grounds are made for transfer of crime for investigation to specialized agency such as CBI or CBCID on case to case basis, the same can be considered by this Court. In the case on hand, the respondents have explained the manner of investigation and at what stage the present writ petition is filed.

Having regard to the stand taken in the counter affidavit and the affidavit does not disclose warranting change of investigating agency, I am satisfied that no relief can be granted to the petitioner.

The writ petition fails and is accordingly dismissed. No order as to costs.

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

S. V. BHATT, J

Dt: 08-11-2017
Prv

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