

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 9301 of 2017

Order:

This Writ Petition is filed challenging the registration of Crime No.39 of 2017 by the second respondent pursuant to a complaint lodged by the third respondent.

A perusal of the complaint shows that the complainant issued show cause notices to the District Presidents of the political parties, Kadapa to offer their explanation for violation of Model Code of Conduct basing on the press clippings published in Andhra Jyothi and Sakshi district special editions on 08.02.2017 and 09.02.2017 in conducting a meeting at the office of the Mayor, Municipal Corporation, Kadapa. It appears that no explanation was submitted by the District Presidents. Since he felt that official work was mixed with campaigning/electioneering, he lodged a complaint with the second respondent for taking action under Sections 141, 142, 153, 153-A and 171-C of IPC. Basing on the same, Crime No.39 of 2017 was registered by the second respondent.

On a reading of the complaint, this Court feels that registration of the complaint as a crime is not bad. However, it is urged by the learned counsel for the petitioners that the petitioners have to participate in the ensuing elections to be held on 17.03.2017.

In the circumstances, even if the petitioners are needed in connection with the investigation of the crime, the second respondent shall allow them to participate and exercise their franchise in the elections to be held on 17.03.2017. It is needless to observe that the second respondent shall conduct the investigation pursuant to registration of the crime in accordance with law.

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

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 16.03.2017

Note:
Issue CC today
(B/O)
Nsr

