

HON'BLE SRI JUSTICE S.V. BHATT

W.P. No.30469 OF 2013

ORDER:

Heard Mr.Sikanth for petitioner and the Assistant Government Pleader for respondents 1 and 2. No representation for respondents 3 to 11.

The interim order of this Court dated 24.10.2013 reads thus:

“On a complaint being made by the petitioners, against respondents 3 to 9, of having been manhandled and beaten at the Langer House Police Station, the matter was referred by the learned Magistrate under Section 156 (3) Cr.P.C to the very same Police Station where the offence is alleged to have been committed. The petitioners apprehend that, since investigation has been entrusted to the very same Station House Officer against whom allegations are made in the complaint, no impartial investigation would be carried out, and their complaint would be given a quiet burial.

There shall be stay of all further proceedings, including investigation of F.I.R.No.330 of 2013 on the file of the Police Station, Langer House, pending further orders.

List the W.P.M.P. on 07.11.2013.”

The apprehension of petitioner and also the reason for seeking transfer are adverted to and stay of investigation is granted.

The Assistant Government Pleader submits that with the passage of time, Accused Nos.3 to 9 may not be working in the P.S. Langer House. As the allegations are against a few subordinate staff, he submits that the investigation by present SHO under the supervision of ACP can be directed. The statement is placed on record.

The FIR is registered in P.S. Langer House. The FIR has to be necessarily investigated in accordance with the Criminal Procedure Code and matter proceeded with in accordance with law. The apprehension of petitioner was Accused Nos.3 to 9 were working in P.S. Langer House. Therefore, the investigation is likely to be impartial.

Be that as it may, with the passage of time, there are changed circumstances and also to ensure objectivity in investigation, the writ petition is disposed of by directing the SHO, P.S. Langer House to investigate FIR No.330 of 2013 under the supervision of ACP, West Zone.

The writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.



S.V.BHATT, J

Date:13.11.2017
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