

HON'BLE SRI JUSTICE S.V. BHATT

Writ Petition No.11118 of 2013

ORDER:

No representation for the petitioner. Heard the Assistant Government Pleader (Home) for 1st respondent.

2. The petitioner prays for *mandamus* declaring the inaction of the 1st respondent in not releasing the electric motor theft committed by the un-official respondents 2 to 9 on 20.01.2009 in CC No.20 of 2010 on the file of the Judicial Magistrate of I Class, Chevella, Ranga Reddy District, as illegal, arbitrary and unconstitutional.

3. The Assistant Government Pleader for Home by referring to the written instructions dated 20.04.2013 contends that the release of the electric motor prayed in this writ petition is untenable and according to him, CC No.20 of 2010 filed in Cr.No.90 of 2009 ended in acquittal. He further submits that in the trial it transpired that the accused did not commit the theft of electric motor of the complainant. Hence, seizing of the electric motor by the police did not arise.

4. After perusal of the material available on record and the acquittal of the accused in CC No.20 of 2010, I am satisfied that the petitioner has not made out a case for exercising the discretion of the court under Article 226 of the Constitution of India.

5. The writ petition is, accordingly, dismissed. No order as to costs. Pending miscellaneous petitions if any in this writ petition shall stand dismissed in consequence.

S.V.BHATT, J

Date: 21.04.2017
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