

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.9613 of 2017

ORDER:

Heard the learned Counsel for the petitioner and the learned Government Pleader for the respondents.

The case of the petitioner is that his son was studying Intermediate and was also doing private job. On 09.02.2017 while his son was coming from Shah Ali Banda towards Charminar at about 12.00 midnight on a bike, one person who was coming from opposite side in a rash and negligent manner hit him. He was taken to Asra Hospital, Care Hospital and Gandhi General Hospital, where he ultimately succumbed to injuries on 10.02.2017. The motorcycle which was involved in the said accident was bearing No.AP 10L 4440 and "Police" was written on it. The postmortem report indicated that the cause of the death was due to accident and head injury. It is the case of the petitioner that the petitioner and his family members approached the Police and requested to arrest the person, who deliberately and intentionally killed their son. When the Police did not take any action, but registered a case as Crime No.22 of 2017 under Section 338 IPC which was subsequently altered as Section 304 IPC, the present Writ Petition is filed seeking alteration of the same to Section 302 IPC.

The Police already registered a case and the case is under investigation. Depending on the material available during the

course of investigation, the Police would take appropriate action under the relevant provisions of IPC. This Court cannot direct the Police to take action in a particular manner. If the petitioner is not satisfied with the manner of investigation of the case by the fifth respondent, it is always open to him to bring it to the notice of the higher authorities – respondent Nos.3 and 4, who shall verify the record and give necessary directions.

The Writ Petition is, accordingly, disposed of giving liberty to the petitioner to approach respondent Nos.3 and 4 in this regard. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

17.03.2017
vs

(A.RAMALINGESWARA RAO, J)

