

HON'BLE SRI JUSTICE S.V. BHATT

W.P. No.32077 OF 2016

ORDER:

The petitioner challenges notice dated 08.09.2016, which reads as follows, as illegal and without jurisdiction.

"NOTICE

Date:08.09.2016

To
The President,
Baptist Church,
Vijaypuri Colony, Secunderabad.

You have informed that today i.e. on 08.09.2016 your Church General Body meeting is going to be held at community hall Vijaypuri Colony at 11.00 am, but unfortunately you are admitted at Sri Kara Hospital, Secunderabad due to ill-health.

I request you to direct your deputy to conduct General Body meeting at the above mentioned place and time to avoid any law and order problem arise.

Inspector of Police,
PS Lallaguda"

Petitioner refers to notice dated 10.09.2016 issued under Section 41 (a) of Criminal Procedure Code in Crime No.189/2016 registered under Sections 448, 427 read with 34 of Indian Penal Code. The petitioner is shown as one of the accused in the instant crime. The grievance of petitioner is that the 2nd respondent does not have jurisdiction or authority to issue notice dated 08.09.2016 calling upon petitioner to conduct general body meeting of Baptist Church, Saharsha Ruth Residency, Vijayapuri Colony, North Lalaguda, Secunderabad through the deputy of petitioner. The basis for criminal complaint is that steps were initiated for conducting general body, but there was failure on the part of

petitioner in conducting general body. Still the 2nd respondent does not have jurisdiction to call upon the petitioner to act in a particular way in conducting the meeting. The petitioner has obtained stay of investigation in Crime No.189/2016 while complaining against notice dated 08.09.2016.

The respondents filed petition to vacate the interim order dated 23.09.2016. The Assistant Government Pleader (Home) fairly states that as the content of notice is unsustainable and likewise, the petitioner while referring to contents of notice dated 08.09.2016 cannot seek stay of investigation in Crime No.189/2016 and prays for passing necessary orders. This Court places on record the stand of respondents and disposes of the writ petition by this order:

- a) the notice dated 08.09.2016 cannot and could not be given effect to by 2nd respondent and is without the authority.
- b) the 2nd respondent is given liberty to investigate Crime No.189/2016 strictly in accordance with law.

No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V.BHATT, J

Date:07.08.2017
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