

THE HON' BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.15600 OF 2008

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner for the following reliefs:

"a. To declare the petition is not the person as that of Accused No.2 and the respondents accusing that the petitioner and Accused No.2 are one and the same;

b. The Issuance of NBW without any particulars, proper name and not against a Identified person (i.e. the Petitioner), as illegal and arbitrary and violation of fundamental Rights,

c. Consequently direct the respondents not to cause arrest of the Petitioner and quash the total 22 crimes i.e., Cr.Nos. 527, 821, 1019, 1152, 1234, 1413 of 2006 in Kukatpally PS, Cr. No.1287/ 05 of PS L.B.Nagar, Cr.No.54, 98, 861 of 2006 in Vanasthalipuram PS, 503, 760, 891, 955, 991, 1074, 1196 of 2006 in Saroornagar PS, 468, 736, 766 of 2006 in Uppal PS and Cr.No.428/ 06 of Pahadisherif PS against the petitioner."

The case in brief is that the petitioner is working as Jail Warder since 1993 and now he is working at Mahaboobnagar Jail. While so, in the month of February 2008, the Inspector of Police, Kukatpally approached the Mahaboobnagar Jail and enquired about the petitioner since the petitioner was involved in some theft cases along with one Marneni Raju. After few days, one Constable of Kukatpally police station, called the petitioner and asked him to surrender before the Inspector of Police within a week otherwise, they will execute the NBWs issued against the petitioner by the IX Metropolitan Magistrate.

The respondents filed counter stating that one Marneni Raju was arrested on 15.02.2007 in Crime No.124 of 2007 and he confessed that he committed 68 snatchings within the Commissionerate of Cyberabad, Nalgonda and Warangal Districts along with other accused persons, including one Mr.Jagadishwara Rao i.e. the petitioner.

Heard and perused the material available on record.

The main contention of the petitioner is that he was on duty at the alleged time of commission of offences and that the police without identifying the real accused, showing the petitioner as accused No.2 basing on the confession made by the said Marneni Raju (A1) and that he has no acquaintance with the said Raju and while remanding the said Raju, the name of the petitioner was shown as absconding and therefore, NBWs were issued against him without proper identification of the real accused.

Considering the facts and circumstances of the case and also the grievance of the petitioner, this Court is inclined to pass the following order:

The Non-bailable warrants pending against the petitioner are hereby recalled, and in all the cases pending against the petitioner, the presence of the petitioner is dispensed with, except on the dates when the matters are posted for identification, answering the charges and also for examination under Section 313 Cr.P.C. No order as to costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

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RAJA ELANGO, J

September 12, 2017

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