

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37988 OF 2014

ORDER:

The writ petition is filed seeking a writ of mandamus declaring the action of the second respondent in not conducting proper investigation in connection with F.I.R.No.31 of 2014 as illegal and arbitrary, and consequently to direct the second respondent to deposit the entire 38 tulas of gold of 24 carat before the Judicial First Class Magistrate, Sanga Reddy.

Heard and perused the material.

Learned counsel for the petitioner submits that though the second respondent recovered 38 tulas of gold of 24 carat during the investigation, he has not deposited the same before the Court below. Hence, he prays this Court to direct the second respondent to deposit the same before the Court below.

This Court is of the view that though the petitioner contended that the second respondent has not deposited the entire gold recovered during the course of investigation, he is not in a position to substantiate his claim that the entire gold has not been deposited before the Court below and he is not in a position to produce any document to show that there is no such deposit by the investigating agency.

Considering the facts and circumstances of the case, the second respondent is directed to deposit the properties recovered during the course of investigation before the Court below, if not deposited, in accordance with law.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any shall also stand disposed of.

JUSTICE RAJA ELANGO

02.01.2017
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