

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 28468 OF 2017

ORDER:

The grievance of the petitioner is that on 30.04.2013 he boarded a Bus bearing No. AP 07 TB 0001 at Lalapet, Guntur to go to Hyderabad and on 01.05.2013 when the bus reached Vanasthalipuram at Sushma Theatre junction he found missing of his black bag, which contained 97 tulas of gold. To that effect the he lodged a complaint in Vanasthalipuram Police Station and the same has been registered as a Crime No.369 of 2013 for the offence under Section 379 IPC. Though four years have been elapsed since the date of registration of the crime and in spite of several requests made to the 2nd and 3rd respondents to investigate into the matter, 3rd respondent has not started the investigation. Hence the Writ Petition.

Learned Government Pleader for Home (Telangana) placed on record the written instructions submitted by the Inspector of Police, Vanasthalipuram Police Station, wherein it is stated as under –

“It is submitted that the investigation so far done, it is clear that all possible efforts, checked ex-convicts, MO criminals, suspects and interacted with the bordering and surrounding PSs, caused discreet enquiries about the suspects, MO criminals of their areas, and setting up reliable informant system, all possible efforts have been made, but no clues came to light so far. There is no hope of detecting the case in the near future. If any clues come-forth in future, case will be re-opened and investigated into.

It is humbly submitted that proposals were submitted to the Deputy Commissioner of Police, L.B. Nagar Zone, Cyberabad and also obtained permission to refer the case of the complainant as “Un-detected”. If any clues are forthcoming in future, certainly, the case will be reopened.

It is humbly submit that I, S Murali Krishna, Inspector of Police reported in Vanasthalipuram on 12.02.2016. I verified

CD file of Cr.No.369/2013 U/s 379 IPC. Previous IO completed investigation and got permission from DCP, LB Nagar Zone, Cyberabad to refer the case as Un-detected but not submitted Final Report in Hon'ble Court.

I humbly submit that notice to the complainant and final report is prepared. After following the due procedure, final report will be filed into the Hon'ble Court as expeditiously as possible.

It is pertinent to submit that almost the averments made in the affidavit are the subject matter of investigation in Cr.No.369/2013 U/Sec.379 IPC which was registered against unknown offenders and the investigation is completed. Final report will be filed into the Hon'ble Court at the earliest. The delay in completing the investigation and filing the final report into the Hon'ble court is neither wilful nor wanton. As this is a case of commission of theft of ornaments, to complete the investigation, the investigating agency has taken time."

The above extracted portion of the written instructions only discloses that since there is no hope of detecting the case in the near future the case has been referred as "Un-detected" after obtaining permission from the Deputy Commissioner of Police, LB Nagar Zone, Cyberabad, but not submitted the final report in the concerned Court. It may be noted that by the A.P. Police orders, particularly Order No. 478 (5), mandated the investigation to be completed within a particular time frame and charge sheet to be filed. The same reads as under:

"5. The limitation permissible under law is quite liberal. It should not be construed to mean that the cases can be delayed up to the maximum period of limitation. The following maximum time limits are prescribed for completion of investigation for some of the cases:

- | | |
|----------|---|
| 4 months | for offences u/s 120A, 120B, 121 to 130, 403 to 409, 463 to 489E IPC and in complicated cases affecting the human body, culpable homicide and murder and complicated cases of cheating; |
| 3 months | for offences u/s 363 to 374 IPC and Dacoity; |

2 months	for offences u/s 131 to 140, 166 to 171, 230 to 263A, grievous hurt, 339 to 348, 376 to 377, robbery, house breakings and theft, 421 to 424, 490 to 492 and 494 to 502 IPC;
1 month	for offences u/s 141 to 160, 171-A to 171-1, 191 to 227, simple cases of 299, 300, 349 to 374, theft, extortion, 425 to 440, 441 to 462, 503 to 511 IPC, and offences under special and local laws;
15 days	for offences u/s 172 to 190, 264 to 298, hurt, 410 and 414 IPC.

Note: The above time limits are prescribed with a view that no investigation shall be prolonged beyond a point. However, every effort should be made to complete the investigation as expeditiously as possible.”

In the light of the above, the present case, which is registered for the offence under Section 379 IPC, the investigation is required to be completed within one month from the date of registration of F.I.R. The written instructions submitted by the Inspector of Police, as of now, discloses that though the investigation is completed it does not specify the time frame within which necessary final report is being filed into the concerned Court. It shows, either the 3rd respondent-SHO is deliberately delaying in filing the Final report or it is a sheer inefficiency on his part in not taking necessary action.

In the circumstances, this Writ Petition is disposed of with a direction to the 3rd respondent to complete the investigation pending, if any, in relation to F.I.R.No.369 of 2013 of Vanasthalipuram Police Station, within a period of four weeks from the date of receipt of a copy of this Order and file the Final Report in the concerned Court.

Consequently, the Miscellaneous Petitions pending, if any, shall stand closed.

CHALLA KODANDA RAM, J

Date:29.08.2017.
Ssv