

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.32192 of 2017

ORDER:

The petitioner prays for the following relief :-

“..... to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus, questioning the inaction of the respondents conducting investigation in Crime No. 191/2017 on the file of the Kothapet Police Station, Guntur in perceptively and not filing final report in accordance with law is illegal arbitrary and violation of principles of natural justice and consequently direct the 2nd respondent to conduct investigation in proper manner in a stipulated time under law...”.

On 21.09.2017, at request of respondents, time was granted to place before the Court the status report on the investigation conducted in Cr.No.191 of 2017.

The Assistant Government Pleader places on record, the written instructions received from the 2nd respondent and the operative portion reads as follows :-

“.... It is further submitted that basing on the same, the 2nd respondent herein altered the section of offence from Sec. 307 IPC to Sec.302 IPC, after filing the Memo before the IV Additional Chief Judicial Magistrate, Guntur on 10.08.2017. The post Mortem certificate of the deceased was received by the 2nd respondent herein sent the seized articles (MOs) to the Regional Forensic Science Laboratory, Guntur, for examination and the same is pending.

It is further submitted that the 2nd respondent herein, who is the investigation Officer examined LWs 1

to 17 and recorded their statements including LW 1 is the deceased. The sole accused has been in Sub-Jail, Guntur, Since the date of his arrest. During the course of Investigation, I found the *prima facie* case against the accused. The investigation in this crime is completed, except filing the charge sheet, due to the non receipt of RFSL Report.

It is further submitted that the allegations in the writ petition in connection with the delay in conducting investigation and filing of final report is not true and correct. She further alleged that the accused i.e. husband of the writ petitioner has politically influenced person and due to the same, the investigation has been delayed is not correct and baseless and is concocted for filing of this writ petition only....”

From the above, it is clear that Section of law has been altered from 307 IPC to Section 302 IPC and memo to that effect was filed on 10.08.2017 before the IV Additional Chief Judicial Magistrate, Guntur.

Since the 2nd respondent is about to file charge-sheet, by placing on record the statement of 2nd respondent, the writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Dt: 31-10-2017
Prv

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31-10-2017

Prv

