

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION NO.1651 OF 2013

ORDER:

This writ petition was filed declaring the action of the respondents in reopening the FIR No.48/1994 on the file of SHO, PS, Surpavaram by filing charge-sheet in PRC No.10 of 2012 on the file of the III Additional Judicial First Class Magistrate, Kakinada against the petitioner after closure of the same on 31.12.1994, as illegal and arbitrary.

Learned Government Pleader for Home, on the basis of instructions, submits that the then Superintendent of Police issued a memo on 16.06.1999 to the Sub-Divisional Police Officer, Kakinada to re-open the case. The Superintendent of Police, Kakinada issued instructions on 21.05.2009 to alter the section of law in crime No.48 of 1994 from Sections 448, 342, 392 and 307 IPC to Section 304 IPC and arrest the accused immediately. The accused/petitioner was arrested on 03.04.2012 and was enlarged on bail on 17.05.2012. Investigation was completed and charge-sheet was also filed before the Special Judicial First Class Magistrate, East Godavari District, Kakinada and the same was taken on file as PRC 10 of 2012.

In view of the same, no further orders are necessary to be passed in the present writ petition.

The writ petition is accordingly closed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

7th February, 2017.

ssp