

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.32050 of 2016

ORDER

This writ petition is filed seeking a direction to the 3rd respondent to investigate and file charge sheet in Cr.No.13 of 2016, dated 17.1.2016.

A counter-affidavit is filed by the 3rd respondent, wherein it is stated as follows:

“It is submitted that the complainant and others were examined and recorded their detailed statements. During the course of investigation, a notice u/s 41-A Cr.P.C. dated 16.2.2017 was issued to accused No.1/Moiez Khureshi and his confessional statement was recorded in the presence of mediators. Based on the said confessional statement, the provision of law was altered from Section 406 to 408 and an alteration memo was also filed before the concerned Court in this regard. Since accused No.1 has not complied with Section 41-A Cr.P.C. notice by producing sufficient sureties, after obtaining permission from the Hon'ble Prl. Judicial Magistrate of I Class, Gajwel vide proceedings No.143/2017, dated 22.2.2017 for arresting the accused No.1, the accused No.1 was arrested on 23.2.2017 and produced before the Hon'ble Magistrate and the Hon'ble Magistrate remanded the Accused No.1 to judicial custody and in pursuance of the said remand order, the accused No.1 was lodged at Sub-Jail, Siddipet. It is submitted that in the confessional statement the accused No.1 stated that he has committed the offence and no other person is involved in the case. The CDRs collected from the service providers established that accused No.2 and 3 are not in the offence place at the relevant point of time. The investigation in the case has been completed. The police are taking necessary steps for filing charge sheet against the accused No.1 by deleting the names of accused No.2 and 3 from the FIR.”

In view of the aforesaid averments, the Writ Petition is closed. However, the 3rd respondent is directed to complete the

investigation and file charge sheet within three months from the date of receipt of a copy of this order.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

16th March, 2017

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