

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION Nos. 2044 & 2051 of 2017

COMMON ORDER:

These writ petitions are filed challenging the action of respondent No.2 in frequently calling the petitioners under the guise of investigation in Crime No.90 of 2016 registered by respondent No.2.

It is stated by the learned counsel for the petitioners that the petitioner in W.P.No.2044 of 2017 is leaving the Country for the purpose of his employment, whereas the petitioner in W.P.No.2051 of 2017 is a retired Government servant.

The specific allegation of the learned counsel for the petitioners is that no notice as contemplated under Section 41(A) Cr.P.C. was issued to the petitioner in W.P.No.2051 of 2017 and he is being called to the Police Station frequently.

This Court cannot interdict the investigation process of the Police when a crime is registered.

As per the written instructions of the learned Government Pleader for Home, notice was served on 30.08.2016 under Section 41(A) Cr.P.C. to Accused No.5 and on 01.09.2016 to Accused Nos.3 and 4. In spite of the same, Accused Nos.3 and 4 did not turn up. Again, another notice was served on Accused No.4 with instructions to appear on 26.10.2016, but, he failed to comply with the directions. However, Accused No.4 was apprehended and was interrogated thoroughly. He admitted the guilt of committing the offence along

with Accused No.3. The confession was recorded in the presence of two mediators. The arrested persons were produced before the learned XII Additional Chief Metropolitan Magistrate, Hyderabad on 28.10.2016 and were sent to judicial custody. So far as the petitioner in W.P.No.2044 of 2017 is concerned, he is arrayed as Accused No.1 and he is not cooperating with the investigation.

Since the learned counsel for the petitioners submitted that the petitioner in W.P.No.2044 of 2017 is leaving the Country on his employment purpose for a brief period, the petitioner shall be allowed to leave the country, on his furnishing a xerox copy of the Passport attested by him with an undertaking in the form of indemnity bond to appear before the Station House Officer concerned for cooperating with the enquiry on his return from abroad.

So far as the petitioner in W.P.No.2051 of 2017 is concerned, it is need less to observe that the Investigating Officer shall follow due process of law in connection with the investigation of the crime.

The writ petitions are accordingly disposed of.

Miscellaneous petitions, if any, pending in these writ petitions shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO,J

Dt:27.01.2017

Note: Issue cc tomorrow.
(B/o)
Kdl

