

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

WRIT PETITION No.36825 of 2017

ORDER:

In this Writ Petition, the petitioner seeks a writ of Mandamus declaring the action of respondent No. 3 in not completing the investigation and filing the charge sheet/final report in connection with Crime No. 155 of 2016 of Langer House Police Station, Hyderabad, as illegal and arbitrary and seeking a direction to third respondent to do the needful.

Petitioner's case is that he gave a report to third respondent against unofficial respondents 4 to 9 and the same was registered as Crime No. 155 of 2016 dated 27.4.2016 against them for the offences under Sections 406 and 420 IPC.

The grievance of the petitioner is that though the crime was registered way back on 27.4.2016, there is no progress in the investigation and no charge sheet or final report is filed yet.

On instructions, learned Assistant Government Pleader for Home would submit that so far the police have examined seven witnesses including complainant and some other witnesses and investigation could not be proceeded further because, though the Investigating Officer issued

notice under Section 91 Cr.P.C to petitioner/complainant to produce the original documents related to the case on 28.2.2017 the complainant has not so far produced those documents. Thus in a way, the Investigating Officer throws the blame on the complainant for non-completion of investigation. However, the submission of learned counsel for petitioner is that pursuant to notice dated 28.2.2017 issued under Section 91 Cr.P.C, the petitioner approached the Investigating Officer and submitted the original documents along with Photostat copies of the relevant record but the police insisted for retaining the original documents in the crime file, which the petitioner did not agree because he was initiating civil proceedings against accused and others and hence he required originals.

In view of the above submission of learned counsel for petitioner, the Investigating Officer is directed to issue a fresh notice to the petitioner under Section 91 Cr.P.C showing the list of documents required to him for the purpose of investigation within two weeks from the date of receipt of a copy of this order, and upon receiving the notice, the petitioner is directed to produce the originals along with a set of Photostat copies sought for by the Investigating Officer immediately, in which case, the investigating officer shall retain the Photostat copies in the case file

and return the originals to enable the petitioner to proceed with the civil case. The investigation shall be completed expeditiously.

The Writ Petition is accordingly disposed of. There shall be no order as to costs. As a sequel there to, miscellaneous applications, pending if any, shall stand closed.

U.DURGA PRASAD RAO, J

Date: 03.11.2017
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