

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.46368 of 2016

ORDER

Challenging the action of respondents 5 and 6 in calling the petitioner to the III Town Police Station, M.V.P.Colony Zone, Visakhapatnam, without any complaint or issuing notice under Section 41-A of Code of Criminal Procedure, the present writ petition is filed.

Based on the written instructions received from the Sub Inspector of Police, Muvvalavanipalem Police Station, Visakhapatnam City, learned Government Pleader for Home submits that one N.Mallika lodged a complaint against the petitioner and based on the same, a case in Cr.No.230 of 2015 was registered against him; during the course of investigation, the petitioner absconded and filed Criminal Petition No.13877 of 2015 and the same was disposed of on 28.12.2015 directing the Station House Officer, Muvvalavanipalem, not to arrest the petitioner till completion of the investigation; charge sheet was filed against the accused on 23.7.2016 before the I Additional Chief Metropolitan Magistrate, Visakhapatnam City, but it was returned with a direction to file the same after serving a notice under Section 41-A Cr.P.C; accordingly, notice was served on the petitioner on 3.10.2016; charge sheet was filed without arresting the petitioner; and the case is pending trial before the same Court.

In view of the aforesaid submission, nothing survives for consideration in this writ petition.

Accordingly, the Writ Petition is dismissed as infructuous.

No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

30th January, 2017
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