

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.6223 OF 2018

ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader for Home (A.P.) appearing for the official respondents.

2. When the matter is taken up, written instructions, dated 01.03.2018, furnished by the Sub-Inspector of Police, Kanchikacherla Police Station are placed on record by the learned Government Pleader for Home. The said instructions read as under:-

“On receipt of a complaint from the petitioner herein lodged with the Police of Kanchikacharla Police Station, a case in Cr.No.77/2017 U/secs.447, 427, 193 r/w.34 IPC dated 27.4.2017 was registered against 1) Mariseti Naga Malleswari and 2) Namburi Charan Sujith as they criminally trespassed into his land with JCB and ploughed the same and damaged Sababul crop and taken up the investigation into the case.

During the course of investigation, the investigation officer examined the complainant/petitioner herein and other witnesses and recorded their detailed statements.

As part of investigation, a letter dated 17.5.2017 was addressed the Sub Collector, Vijayawada City, Krishna District requesting him to furnish the death of the deceased namely Badeti Durgarao, son of Krishna, resident of Kanchikacherla Village and Mandal from whom the complainant purchased the subject land to an extent of Ac.0.35 cts in R.S.No.450/1B situated at Kanchikacherla Village and Mandal.

In the investigation it is clearly disclosed that both the accused have committed the offences beyond all reasonable doubt. Accordingly, notice U/sec.41(A)(2) Cr.P.C. dated 13.6.2017 was served on them.

Once again, a letter dated 12.2.2018 was addressed the Sub Collector, Vijayawada City, Krishna District regarding the death of deceased namely Badeti Durgarao from whom the complainant/petitioner herein purchased the subject lands in question who in turn addressed the Tahsildar, Kanchikacherla on 21.2.2018 to enquiry into the letter of the Station House Officer, Kanchikacherla Police Station and submit report. Pursuant to the instructions of the Sub Collector, Vijayawada City, the Tahsildar, Kanchikacherla Mandal submitted the report to the investigation officer on 21.2.2018. Due to which some delay has caused in completing the investigation into the case. The delay is neither willful nor wanton. Investigation is completed. Charge sheet will be filed before the concerned Hon'ble Court at the earliest.

It is pertinent to submit that the investigation was completed in Cr.No.77/2017 and appropriate charge sheet will be filed before the concerned Hon'ble Court at the earliest."

3. Having regard to the above said instructions and taking into consideration the submissions of the learned counsel for the petitioner and the learned Government Pleader, the Writ Petition is disposed of, by placing on record the written instructions, dated 01.03.2018, furnished by the Sub-Inspector of Police, Kanchikacherla Police Station. There shall be no order as to costs.

4. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE A.V.SESHA SAI

Date : 09.03.2018
AMD



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