

THE HON'BLE JUSTICE SRI GUDISEVA SHYAM PRASAD
WRIT PETITION Nos.197 of 2016, 417 of 2016 and 241 of 2016

COMMON ORDER :

The petitioners in these three Writ Petitions have sought for a Writ of Mandamus for conducting investigation in Crime No. 491 of 2015 dated 30.11.2015, Crime No.128 of 2015 dated 13.11.2015 and Crime No.456 of 2015 dated 09.11.2015, respectively, on the file of the office of Respondent No. 11 - Station House Officer, One Town Police Station, Karimnagar, by the respondent No.14 - Central Bureau of Investigation (C.B.I) in order to conduct proper investigation in the crime.

2. The brief facts of the case of the petitioner in W.P.No.197/2016 are that the respondent No. 13 is running money lending business without licence, under Telangana Money Lending Act 1349 F, being police official, by abuse of power, extracting immovable property by force, getting property registered by giving threat to the life of borrowers.

3. The petitioner Soma Suresh filed an affidavit, stating several instances about the money lending business run by 13th respondent with the involvement of higher police officials, politicians in the money lending business, the involvement of high rank police officers in the finance business, and some political leaders of the ruling party from Peddapalli Assembly Constituency, Advocates, Doctors and business men by investing their money in finance business.

4. The further case of the petitioner is that he obtained a loan of Rs.15,00,000/- on 20.04.2010 from Sri Ram City Union Finance, Karimnagar Branch, on creation of equitable mortgage of his house. As he was in need of some more amount, for his business he approached one Narsing, who in turn introduced the petitioner to respondent No.13, who agreed to provide Rs.25,00,000/- @ 2% per month on condition to create a Sale-cum-General Power of Attorney. The respondent No.13 has agreed that on discharge of entire loan amount, the agreement of sale cum general power of attorney would be cancelled. Subsequently, respondent No.13 came to the house of the petitioner with his men, and at the point of gun he forcibly obtained agreement of sale cum General Power Attorney in respect of the house of the petitioner, and obtained signatures of the petitioner on blank paper, cheques, promissory notes, stamp papers. As agreed he has cleared the loan of the petitioner with finance company.

5. It is alleged in his affidavit that Respondent No.13 – Bobbala Mohan Reddy, working as Assistant Sub-Inspector of Police, Choppadandi Police Station, Karimnagar District, who is now under suspension and detained in Judicial remand in District Jail, Karimnagar, had indulged in financial transactions of lending money to the parties and obtaining documents of Sale-cum-GPA forcibly and getting the properties registered in his name. The petitioner has stated in para-4 of the affidavit that before arranging the loan, respondent No.13 has obtained the signature of the petitioner on a few blank stamp papers,

Promissory Notes and a few blank cheques of State Bank of Hyderabad, Ashok Nagar Branch, Karimnagar, and ICICI Bank, Karimnagar, and called the petitioner and his son to his office in Boiwada, Karimnagar District, and asked him to execute another General Power of Attorney since the Power of Attorney executed by him was in favour of another person. As the petitioner objected for the said proposal, respondent No.13 and his henchmen at the point of Gun threatened the petitioner and his son and forcibly taken them to the office of the Sub-Registrar, Karimnagar, and got executed the documents by the son of the petitioner and obtained the signatures of the petitioner as a witness. The documents are bearing No.10061/2011, dated 21.11.2011 in respect of part of suit property of Lodging bearing No.2-7-759 in the name of his father – Bobbala Adi Reddy and also obtained another document bearing No. 10062/2011, dated 21.11.2011 in respect of the remaining part of suit property of Lodging bearing No. 2-7-759. Later, respondent No.13 along with his henchmen took possession of the “Lodge”. The allegation of the petitioner is that respondent No. 13 obtained the sale deeds from him and his son fraudulently in a deceitful manner. The petitioner also made several allegations in para-13 of his affidavit *inter alia* stating that there are number of cases registered against respondent No.13 and his henchmen in various Police Stations of Karimnagar District. The value of the immovable properties created by respondent No.13 in the name of his family members and benamidars is worth about Rs.500/- crores and the amount

lent by him is also more than Rs.500 crores. Therefore, the petitioner has requested in this Writ Petition to direct respondent No.14 – Central Bureau of Investigation to investigate into all the cases registered against respondent No. 13 and take appropriate action accordingly.

6. The learned counsel for the petitioner - Sri C.Ramesh Sagar submits that the Police are not conducting the investigation on proper lines, and keeping in view the magnitude of the officers called by the respondent No.13 sought for entrusting the matter to C.B.I. for investigation, as a high rank police officials and several other persons are involved in illegal finance business of money lending operated by respondent No.13.

7. The learned Government Pleader (Home) has submitted that the investigation is completed in the matter and charge sheet is filed against the accused, as such, there is no necessity to transfer the investigation from C.I.D. to C.B.I. It is further submitted that the investigation is completed and charge sheet has been filed and as per the written instructions received from the Deputy Superintendent of Police (CID) Telangana State, Hyderabad, in view of filing of the charge sheet dated 30.11.2015, nothing is left for investigation in this matter.

8. It is further submitted by G.P.(Home) that as per the instructions, the investigation is done by C.I.D., under strict supervision of superior officers of various cadre and the agency, headed by an officer of the rank of the Additional D.G.P.

Therefore, there are no reasons to suspect the bonafides in the investigation of the matter by C.I.D.

9. The written instruction, submitted by Inspector of Police CID, Telangana State, Hyderabad - Mr.R.Ramesh, reveals that the *de facto* complainant - Soma Suresh submitted a complaint, stating that he obtained a loan of Rs. 25,00,000/- from Respondent No.13 - Bobbala Mohan Reddy with interest @4%. Even though, he paid huge amounts, the said Bobbal Mohan Reddy demanded the petitioner for re-payment of Rs.25,00,000/- and threatened with dire consequences and got executed the house vide H.No. 2-7-759 of the petitioner, through G.P.A., vide document No. 2134/2011 and 2135/2011 on 15.03.2011, on the name of Pulgam Mallesham, who is the benami of respondent No. 13 - Bobbala Mohan Reddy. Basing on the said facts, Crime No. 491/2015, under Section 420, 120-B, 468, 506 IPC read with 34 IPC, Section 3,5 (a) (b) and 13 of the Andhra Pradesh (Telangana Area) Money lenders Act of 1349F was registered and took up investigation. Subsequently, the case was transferred to CID, Telangana State, Hyderabad for investigation. During the course of investigation, the C.I.D., Telangana State, Hyderabad investigated thoroughly, by examining the petitioner Soma Suresh and 8 others and recorded their statements. 16 persons have been arrested and produced before the Court and a charge sheet has been filed on 1.9.2017, before the Court of Additional Judicial First Class Magistrate, Karimnagar and CC. 1486/2007 has been numbered and the case is under trial. In this connection, it is stated that

the pattern of investigation in CID, relating to probing is under strict supervision of superior officers of various cadre and the agency is headed by an officer of the rank of the Additional D.G.P. It is further submitted that the CID, Telangana State is probing 40 cases registered against Bobbala Mohan Reddy - the 13th respondent herein and others. Out of them, 37 cases were Charge Sheeted by doing proper investigation and other 3 cases are under investigation.

10. The grievance of the petitioner is that the investigation done by police agency i.e. C.I.D. is biased, as they are influenced by the officials in police department, and politicians. Therefore, requested for handing over the investigation to C.B.I. The respondent No.2 has filed counter stating that the entire investigation is completed and charge sheet is filed. Therefore, there is no possibility to entrust the investigation to C.B.I., unless some serious mala fides are placed on record against the investigating agency. No doubt, some allegations are made against the investigating agency, but since it is only at the stage of allegations, since the investigation is completed there is no need to entrust the matter to C.B.I. for investigation. Therefore, giving liberty to the petitioner to agitate his rights before the appropriate forum, this Writ Petition is disposed of.

Writ Petition No. 417/2016.

11. The learned Assistant Government Pleader submits that the investigation is completed and draft charge sheet is prepared, and it has to be filed before the concerned Court.

Since draft Charge Sheet is prepared and entire investigation is completed, in view of the disposal of the Writ Petition No. 197/2016, pertaining to the same subject, the orders in Writ Petition No. 197/2016 shall follow in this Writ Petition also with a direction to file Charge Sheet before concerned authority.

Writ Petition No.241/2016

12. Learned Government Pleader submitted that the investigation is completed and a charge sheet has been filed and numbered as C.C.No. 1456/2017, on the file of AJFCM, Karimnagar. In view of the observations and disposal of the Writ Petition No. 197/2016, the same observations shall follow in this Writ Petition also.

13. Accordingly, all these three Writ Petitions are disposed of. There shall be no orders as to costs.

14. As a sequel to disposal of the Writ Petition, Miscellaneous Petitions pending, if any, shall stand closed.

GUDISEVA SHYAM PRASAD,J

Dated: 25th April, 2018

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THE HON'BLE JUSTICE SRI GUDISEVA SHYAM PRASAD

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