

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.7678 OF 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner complaining that the official respondents, particularly respondent Nos.4 and 5, are not conducting fair and transparent investigation into the case in Crime No.310 of 2017 registered, on 03.11.2017, against the 6th respondent and that the said acts are illegal, arbitrary, violative of the provisions of Constitution of India and the principles of natural justice.

2. I have heard the submissions of *Sri S.A.V. Sai Kumar*, learned counsel appearing for the petitioner, and of the learned Government Pleader for Home (TG) appearing for respondent Nos.1 to 5. I have perused the material record.

3. At the hearing, learned counsel for the petitioner would submit that though the case was registered in November, 2017, for the offences punishable under the provisions of I.P.C. and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the special Act'), so far no fair and transparent investigation has been done and no charge sheet is filed and, therefore, the Writ Petition.

4. Learned Government Pleader for Home, on written instructions, a copy of which is placed on record, would submit that after registration of the crime, investigation is taken up by the police officer concerned and that after it came to light that the victim belongs to Scheduled Tribe (Yerukala) community, a requisition was filed before the competent Court for adding appropriate penal provisions of law under the special Act to the existing Sections of law under I.P.C., and that basing on the

instructions of the Commissioner of Police, Hyderabad City, the Assistant Commissioner of Police, Chikkadapalli Division, has taken up investigation from 23.12.2017 onwards and that the report of the officer of the Forensic Science Laboratory is awaited and that detailed investigation is in progress and that necessary steps would be taken for filing final report by following the procedure established by law. He would also submit that this Court in a Criminal Petition in CrI.P.No.12814 of 2017 directed the respondent police officers to follow Section 41-A Cr.P.C., while conducting investigation into the case. The learned Government Pleader for Home also submitted that the investigation is being done in a fair and proper manner and that the contrary allegations made by the writ petitioner are all false.

5. In reply, learned counsel for the petitioner would submit that the said order was passed before the penal provisions under the special Act and Sections 376 and 506 I.P.C., were added.

6. Having regard to the facts and submissions, the Writ Petition is disposed of directing the 4th respondent to expedite the investigation into the case in Crime No.310 of 2017 on the file of Musheerabad Police Station, Chikkadapally Division, and file a final report by strict adherence to the procedure established by law.

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

There shall be no order as to costs.

M.SEETHARAMA MURTI, J

09th April, 2018
MD