

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.12204 of 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking verbatim the following relief:

“For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon’ble Court may be pleased issue an order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the 3rd respondent in not properly investigating into the Cr.No.230/2017 and filing charge sheet is as illegal, arbitrary and contrary to the Fundamental Principles enshrined in the Constitution and consequently direct the respondents to handover the case to the C.B.C.I.D. of the State Department to conduct re-investigation into the matter in Cr.No.230/2017 on the file of the Lalapeta Police Station, Guntur Town, Guntur District, and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

2. I have heard the submissions of Sri *N.V.R.Amarnath*, learned counsel appearing for the petitioner, and of the learned Government Pleader for Home (A.P.) appearing for the respondents 1 to 3. I have perused the material record.

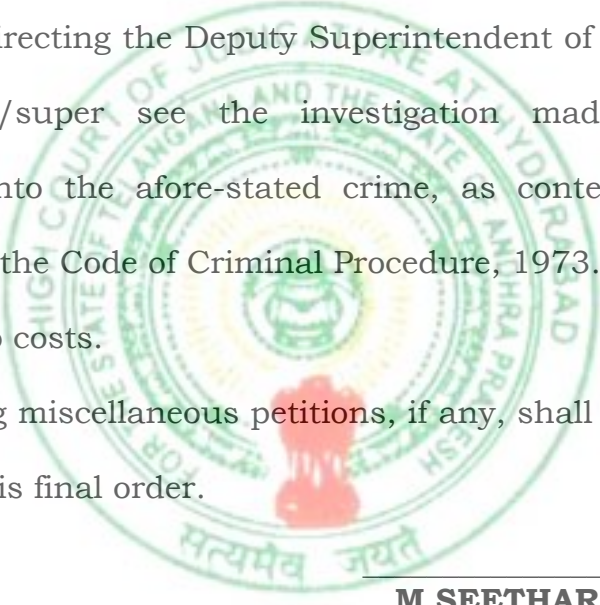
3. Learned counsel for the petitioner would submit that the subject matter involves crores of rupees and that the Investigating Officer is not conducting investigation on correct and proper lines and that except recording confessional statements, no other proper investigation, as required under facts and in law, is conducted and that, therefore, the present writ petition is filed to give a direction to hand over the investigation into the case to the C.B.C.I.D. of the State Department with necessary directions to re-investigate into the case.

4. At the hearing, the learned counsel for the petitioner would submit that though a relief to hand over the investigation into the case to the C.B.C.I.D. of the State Department is sought, if a direction is given to the superior Police Officer to supervise the investigation, as contemplated under law, the grievance of the writ petitioner stands redressed.

5. Learned Government Pleader for Home endorses the said submission.

6. Having regard to the submission, the Writ Petition is disposed of directing the Deputy Superintendent of Police, Guntur, to supervise/super see the investigation made by the 3rd respondent into the afore-stated crime, as contemplated under Section 36 of the Code of Criminal Procedure, 1973. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.



M.SEETHARAMA MURTI, J

Date: 11th April, 2018

Note: Registry to dispatch a copy of this order to
The Deputy Superintendent of Police, Guntur.

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