

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.12593 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 prayed that the Hon’ble Court may be pleased to issue a Writ, order or a direction, more particularly one in the nature of Writ of Mandamus declaring that the action of the Respondents more particularly the 4th and 5th Respondents for calling the Petitioner to the Police Station in connection with Crime No.68/2017 even though the Petitioner is neither Accused nor involved in any one of the crime on the ground that the Petitioner has stood as guarantor for the loan availed by the said Owner/Accused for purchase of Auto rickshaw bearing registration No.A.P. 31 TG 7638 and extending threats and allowed to stay in the Police Station for hours together is untenable, unsustainable, illegal, motivated, unconstitutional and against law as well as principles of natural justice and consequentially direct the Respondents not to harass the Petitioner and pass such other and further orders as the petitioner is entitled to in the circumstances of the case.”

2. I have heard the submissions of Sri *K.B.Ramanna Dora*, learned counsel appearing for the petitioner, and of the learned Government Pleader for Home (A.P.) appearing for the respondents 1 to 5. I have perused the material record.

3. The case of the petitioner, in brief, is this: He stood as a guarantor for purchase of an auto rickshaw bearing No.AP 31 TG 7638. Using the said auto rickshaw, a crime was stated to have been committed by some third parties. Pursuant thereto, a case in Crime No.68 of 2017 was registered, on 06.05.2017, by the Station House Officer, Gollaprole Police Station, Pithapuram Mandal, East Godavari District, for the offence punishable under Section 8(c) read with 20(b)(1) of the Narcotic Drugs and Psychotropic

Substances Act, 1985. While investigating into the afore-stated crime, the petitioner is being called to the police station though he is neither an accused nor in any way concerned with the said crime. He is being called to the Police Station only for the reason that he stood as a guarantor for the loan availed by the said owner/accused for purchase of above stated auto rickshaw. The police are extending threats to the petitioner by making him stay in the Police Station illegally for hours together; and, hence, the present writ petition is filed.'

4. Learned Government Pleader, on written instructions, dated 12.04.2018, a copy of which is placed on record, would submit that a crime is registered, as stated by the petitioner, is true; that the petitioner is not arraigned as an accused in that crime is also true; that the petitioner was called to the Police Station only once for the purpose of investigation; that, accordingly, the petitioner visited the Police Station and gave a statement that he only stood as a guarantor for the owner of the auto rickshaw, i.e., the second accused in the crime; that except calling the petitioner to the Police Station for the above said purpose, no other acts, as alleged in the writ petition, are committed by the Police Officers; and, that all the contrary allegations in the writ petition are baseless and are invented for the purpose of filing of the writ petition.

5. Recording the submissions, the Writ Petition is disposed of directing the Police Officer investigating into the afore-stated crime not to call the petitioner to the Police Station, except by following the procedure established by law, in the event his further

examination is necessary in connection with the investigation into the afore-stated crime. 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: 20th April, 2018

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