

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.13059 of 2018

ORDER:

In this Writ Petition, under Article 226 of the Constitution of India, the grievance of the writ petitioner is non-execution of NBWs issued against the respondents 5 & 6 in Calendar Case *vide* C.C.No.593 of 2011, on the file of the XV Additional Chief Metropolitan Magistrate-cum-Special Court for trial of Video Piracy Cases, Hyderabad.

2. I have heard the submissions of Sri *K.Venumadhav*, learned counsel appearing for the petitioner, and of the learned Government Pleader for Home (Telangana) appearing for the respondents 1 to 4. I have perused the material record.

3. At the hearing, learned counsel for the petitioner submits that this is a split up case.

4. Learned Government Pleader for Home, on written instructions, dated 15.04.2018, a copy of which is placed on record, would submit that despite sincere efforts, the whereabouts of the persons against whom the NBWs were issued could not be known and, therefore, they could not be apprehended; that a letter, dated 28.03.2017, was sent to the IT Cell, Hyderabad, for passport particulars of the said persons; but, no sufficient information is received; that on enquiry, it is revealed that, on 21.02.2018 and 27.02.2018, a request was sent to immigration authority for passport details of A-2, who landed in India may be in the second or third week of February; and, that, on 27.02.2018, a letter was sent to FRRO, Kavadiguda, Hyderabad, for furnishing details of date of

arrival/departure particulars of A-2; that finally, on 06.03.2017, the immigration, BOI, RGI Airport, Hyderabad, informed that in the absence of passport number and sufficient parameters, identity of such individual cannot be ascertained; that neither A-2 nor A-1 were found at the given addresses and at any locality in Malakpet area; that even enquiries with family members of the complainant are of no avail; that possible efforts are being made for execution of the NBWs and to collect passport particulars of the said persons/respondents 5 & 6; that even proclamations were issued on 08.12.2017, on request of the Station House Officer; and, that the learned Magistrate issued fresh NBWs against A-2 on 06.03.2018.

5. Having regard to the submissions, the Writ Petition is disposed of directing the Police Officers to take all the necessary steps for execution of NBWs, as early as possible, as contemplated under law. The petitioner is also directed to furnish further information, if any, available with the petitioner and extend necessary co-operation in that **direction** to the Police Officers. 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: 16th April, 2018

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325

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