

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.13214 of 2018

ORDER:

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

“... to issue a writ, order or direction more particularly one in the nature of writ of Mandamus to declare the action of the respondent No.1 in not altering the FIR by adding Sec.307 IPC and also not including the respondent Nos.4 and 5 as co-accused in Cr.No.24/2018 on the file of the 1st respondent police as arbitrary, illegal and consequently direct the respondent No.1 to include respondent Nos. 4 and 5 as co-accused and alter the FIR.No.24/2018 by adding Sec.307 IPC in the interest of justice”

At the hearing, learned counsel for the petitioner would submit as follows:

The petitioner in his report clearly stated that the respondents 4 & 5 instigated some others to kill him and attempted to kill him by use of sticks and stones; that during the course of attack, he sustained serious/grievous injuries; that he was rescued by the villagers who came to the spot; that those persons who tried to rescue him also received injuries in the incident. Despite all such detailed allegations showing the complicity of the respondents 4 & 5, the afore-stated crime was registered by not including the relevant penal provision and by excluding the names of the respondents 4 & 5. Therefore, the present writ petition is filed for including the said respondents as co-accused in the afore-stated crime.

Learned Government Pleader, on oral instructions, would submit that the police officer, who registered the crime, acted in accordance with the procedure established by law and that he would fairly investigate into the case and file a final report after formulating an opinion on the conclusion of the investigation.

Learned counsel for the petitioner, in reply, would submit that if an opportunity is provided to the petitioner to submit a detailed representation with supporting evidence, if any with the petitioner, showing complicity of the respondents 4 & 5; and, the police officer investigating into the case is directed to consider and dispose of the same and take appropriate action during the course of investigation into the afore-stated crime, the ends of justice would be met.

Recording the submissions, the Writ Petition is disposed of reserving liberty to the petitioner to submit a detailed representation as sought for to the police officer concerned for consideration and disposal of the same in accordance with the procedure established by law during the course of investigation into the afore-stated crime.

There shall be no order as to costs.

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

M.SEETHARAMA MURTI, J

20.04.2018
Vjl