

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.15076 OF 2018

ORDER:

This writ petition is filed for the following relief;

“.....to issue a writ order or direction more one in the nature of writ of *Mandamus* declaring the action of the respondent No.4 to 6 in collusion with respondent Nos.7 to 9 had made a first attempt to colour the murder of Durgam Mallakka as death due to wild pig, later on after 8 hours of delay and after though made a concocted story of murder case to escape the respondent No.7 from the murder case of his wife as been committed by some unknown persons in the form of a complaint lodged by respondent No.8 on 17.02.2018 at 07.00 a.m and the acts of the respondent Nos.4 to 6 leaves suspicious changes and implication innocent person i.e. petitioner's father Durgam Rajaiah who is a witness changed into the sole accused in the Crime No.27 of 2018 of 6th respondent police station due to high level political and financial influence of respondent Nos.7 to 9 by allowing tampering of some evidence on 16.02.2018 and by further creating some evidences to implicate the role of petitioner's father Durgam Rajaiah on confessional built up story is illegal, arbitrary and violation of 14, 21 of the Constitution of India and consequently direct the respondents 1 to 3 to order CB-CID Enquiry into the whole murder case to bring out real culprit in Cr.No.27 of 2018 of 6th respondent police station in the interest of justice and pass such other order or orders as this Hon'ble Court deems fit and proper in the interest of justice.”

Learned counsel for the petitioner submits that the petitioner's father is falsely implicated in the murder case of one Durgam Mallakka, as it was reported, initially, that she died due to attack of wild pig, later they have implicated petitioner's father and that as petitioner suspects, fair investigation in the matter should be entrusted to CBCID. It is also stated by learned counsel for the petitioner that petitioner's father was arrested on 24.02.2018 and later he was released on bail.

Learned Assistant Government Pleader for Home produced written instructions stating that on 17.02.2018 at 07.00 hours, the 8th respondent Durgam Kumaraswamy lodged a complaint with the Station House Officer, Ramakrishnapuram Police Station, Mancherial District, stating that his father Durgam Lachaiah-7th respondent has dropped his mother Smt.Durgam Mallakka on his motor cycle at their corn filed and went to Mancherial on some personal work; that at 19.00 hours he received information through phone from Durgam Srinivas and his father Durgam Lachaiah that his mother found dead in their field; and that immediately he rushed to their corn filed and found his mother was died in mud in prostrate position with bleeding injuries in her left ear and on head, which were caused with sharp edged weapon by some unknown person.

It is stated that in pursuance to the aforesaid complaint of the 8th respondent, a case was registered in Crime No.27/2018 for the offences under Section 302 IPC on 17.02.2018 and

investigation has been taken up by the Inspector of Police and conducted panchanama. During the course of investigation as many as ten witnesses have been examined and recorded their detailed statements. Thereon held inquest over the dead body and subjected the dead body to post mortem examination at Government Hospital, Mancheriah. During the course of investigation, it is revealed that the petitioner's father Durgam Rajaiah committed the offence, hence on 24.02.2018 he was arrested, seized crime weapon, his blood stained shirt and stolen gold ornaments from his possession under cover of seizure panchanama. The accused confessed to have committed the offence before Sri M.Ramreddy, Branch Post Master, Mamidigattu Village. Basing on his confessional statement, section of law 379 and 404 IPC were added to the existing section 302 IPC. Later the accused sent to judicial remand. It is further stated that on 10.03.2018, a requisition was made to the Judicial Magistrate of First Class, Luxettipet to record section 164 Cr.P.C. statements of the witnesses i) Mandala Ram Reddy ii) Sunkari Thirupathi iii) Gajje Padma and iv) Durgam Chandraiah. It is also stated that the Telangana State Forensic Science Laboratories, Hyderabad in its opinion dated 29.03.2018, has opined that "Items 1 to 4 are analysed but no poisonous substance is found in them". It is further stated that basing on the statements of witnesses and merits of the investigation and evidence, the petitioner's father was arrested and he also admitted commission of offence; that the police have not implicated the petitioner's father Durgam Rajaiah in

the above FIR and the evidence was not tampered; that the investigating officer conducted the investigation in an impartial and sincere manner and there is no foul in it and no malafides can be attributed to the same; and that after completion of investigation, an appropriate report will be filed before the concerned Court. Further, all the allegations made by the petitioner were denied.

A perusal of the aforesaid written instructions goes to show that the respondents have taken up investigation and have recorded the statements of witnesses also.

First of all it is not known how the petitioner has locus standi to maintain the writ petition, when the petitioner's father is already released on bail and petitioner has not made out case for handing over investigation to CBCID. In view of the same, I do not see any reason to entertain the writ petition.

Accordingly, the writ petition is dismissed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

13.06.2018
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