

THE HON'BLE JUSTICE SRI GUDISEVA SHYAM PRASAD

WRIT PETITION No. 4820 of 2016

ORDER :

The petitioners have sought for a writ in the nature of Writ of Mandamus to declare the action of the respondents No.2 and 3 in not considering the notice sent by the petitioners for compliance of Sec. 41 A of Cr.P.C., in reference to Crime No. 22/2016 of Police Station, Nereducharla and further to declare the action of the respondent Nos. 5 & 6, threatening the petitioners with dire consequences as illegal, arbitrary and in violation of Article 21 of the Constitution of India.

2. The learned counsel for the petitioners is not present. Heard the arguments of learned Assistant Government Pleader (Home) and perused the material on record.

3. The learned Assistant Government Pleader (Home) submits that the investigation has been completed in this matter and charge sheet No.538/2016 was filed on the file of Judicial First Class Magistrate, Huzurnagar.

4. It is further submitted that since Section 41 A of Cr.P.C. stage is over, as the entire investigation is completed and charge sheet was filed and no cause is surviving in the writ petition and therefore sought for disposal of the writ petition.

5. In view of the foregoing reasons, the cause in filing this Writ Petition is not surviving as the entire investigation is completed and charge sheet No. 538 of 2016 filed on the file of

the Judicial First Class Magistrate, Huzurnagar as per the submissions of the learned Assistant Government Pleader (Home).

6. It is the contention of the petitioners that the respondent No.3 has not followed the procedure contemplated under section 41(A) of Cr.P.C. The petitioner is given liberty to agitate the same before the appropriate forum in case his rights are violating under Section 41(A) Cr.P.C.

7. With these observations, this Writ Petition is disposed of. There shall be no orders as to costs.

8. The Miscellaneous Petitions pending, if any, shall stand closed.



GUDISEVA SHYAM PRASAD,J

Dated: 02.05.2018

JR

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