

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.28071 OF 2018

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India for the following relief:

- (a) "To declare the action of the respondent No.4 in concluding the Criminal Case of the petitioner in CFR No.5125 of 2013 on the file of II Additional Judicial Magistrate of First Class at Mancherial (Crime No.370 of 2013, dated 16.11.2013) as 'Mistake of Fact' in collusion with the respondent No.5 is arbitrary and illegal.
- (b) To issue a direction to the respondent No.3 to investigate the allegations made in CFR No.5125 of 2013 on the file of II Additional Judicial Magistrate of First Class at Mancherial against the respondent No.5 as per the provisions of Prevention of Corruption Act and take legal action as per law,
- (c) Consequently issue a direction to the respondent No.2 to reinvestigate the matter and take legal action against the respondent No.5 by filing appropriate report before the competent Court."

As far as prayer in clause (a) is concerned, petitioner has alternate remedy by approaching the concerned Court.

As far as prayer in clauses (b) and (c) is concerned Sri V.Ravi Kiran Rao, learned Standing Counsel for Respondent No.3 submits that no complaint is made to 3rd respondent for taking action and that the II Additional Judicial First Class Magistrate is not the competent Court to direct investigation into the allegations made under Section 7 and 13 A to D of the Prevention of Corruption Act, 1988.

The said aspect is not disputed by the learned counsel for the petitioner.

In view of the same, I do not see any reason to entertain the writ petition.

Accordingly the writ petition is dismissed granting liberty to the petitioner to avail alternate remedy as may be available to him under law. No order as to costs.

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

09.08.2018
t k.

A.RAJASHEKER REDDY, J

