

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.28952 of 2018

ORDER:

The grievance of the petitioner is that a case in Cr.No.148 of 2018, dated 18-04-2018 was registered by the 4th respondent in respect of death of son of the petitioner for the offence punishable under Section 304-A IPC on the complaint lodged by him. But the petitioner later came to know that it is not a case of accident, but it is case of deliberate murder by unofficial respondents. As such, the petitioner made a representation on 13-07-2018 to respondents 2 and 3 for taking appropriate action. As no action has been taken, the present writ petition is filed.

Learned Assistant Government Pleader produced written instructions stating that basing on the complaint of the petitioner, a case in Cr.No.148 of 2018 was registered for the offence punishable under Section 304-A IPC and investigation is in progress. Post-mortem examination report is also received. As per the evidence adduced so far in the investigation, there is no prima facie case is established that there is any foul play in respect of death, but the said death has been occurred due to accident by falling down of deceased from the tractor due to rash and negligent driving of accused. The same does not require to be altered from Section 304-A IPC to Section 302 IPC, as sought for by the petitioner. It is also stated that the case is under investigation. In case, there is any evidence establishing for alteration of section law, the

same will be done by investigating officer strictly in accordance with law.

In this case, it is to be seen that the petitioner himself gave complaint and the same was registered for the offence punishable under Section 304-A IPC. The petitioner suspects involvement of unofficial respondents and under Section 36 of Cr.P.C. the superior officers can look into the aspect to find out whether any foul play has been taken place.

In view of the same, the Deputy Superintendent of Police (D.S.P.), Jangareddygudem to look into the complaint of the petitioner and take appropriate action in the matter. It is also open to the petitioner to submit a copy of above representation to the D.S.P., Jangareddygudem.

With the above direction, this writ petition is disposed of. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

06-09-2018

Note:

Communicate a copy to the D.S.P.,
Jangareddygudem.

B/o.

Nvl



