

HON'BLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.12104 of 2012

ORDER:

There is no representation on behalf of the petitioner. Learned Government Pleader appearing for respondent Nos.1 to 4 is heard based on the counter affidavit filed on behalf of respondent No.4.

The prayer sought in the writ petition is as under:

“... to issue a writ, order or direction, more particularly one in the nature of writ of Mandamus declaring the action of the 2nd respondent herein, in not conducting CB-CID enquiry on petitioner son's (Pallika Mariyadas) murder case FIR.No.94 of 2011 on the file of the 4th respondent herein as illegal, improper, unjust and contrary to law and consequently direct the 2nd respondent herein to conduct the CB-CID enquiry on petitioner son's (Pallika Mariyadas) murder case.”

The basic grievance of the petitioner is that the 2nd respondent has not entrusted the murder of his son vide Crime No.94 of 2011 to CBCID as arbitrary.

In the counter affidavit filed on behalf of the 4th respondent, it is mentioned that the petitioner approached Kukatpally Police Station, Cyberabad Commissionerate on 24.07.2011 and lodged a complaint stating that his son Mr. Pallika Mariya Dasu performed love marriage with one Kancharla Sambamma at Cheerala. After marriage, they came to Hyderabad and residing at Rajeev Gandhi Nagar, Moosapet, Kukatpally. On 17.07.2011 at about 0900 hours his son along with his wife went to Kalvari temple near Metro, KKP and did not return. Basing on the said complaint, Crime

No.724 of 2011 under the head “man missing” was registered on 24.07.2011 itself. However, on the very same day one K.Satyanandam, Village Revenue Officer of Vallabharaopalem Village, Ponnur Mandal approached the Ponnur police station and lodged a complaint stating that an unknown male person was found floating in Kothakaluva situated between Chinthalapudi and Bodipalem village and the hands and legs of the body are tied with coconut rope. Basing on the contents of the complaint, Crime No.94 of 2011 under Section 302 IPC was registered on the file of the Ponnur Rural Police Station. During the course of investigation, the Investigating Officer examined as many as 17 witnesses, including the petitioner as LW.5, and recorded their detailed statements. Therefore, the contention of the petitioner that he was not examined by the investigating agency is not correct and denied. As per the statements of the witnesses, K. Sambaiah and three others are held responsible for the commission of heinous offence of murder of the petitioner’s son. Therefore, Sections 120-B, 201, 307, 384 read with 34 IPC were also added apart from the existing Section 302 IPC. In fact, the above said accused persons have also confessed to have committed the offence. During the course of enquiry and based on their confession, the investigating agency seized the stick used by the accused for the commission of offence from the scene of offence and seized Innova Silver coloured car bearing No.AP 19 V 1733 used by the accused to bring the

deceased and LW.2 to the scene of offence. In fact, all the accused were arrested on 29.08.2011 and they were remanded to judicial custody. After investigation, a charge sheet was filed before the learned Additional Junior Civil Judge, Ponnur, and the same was taken on file vide PRC No.11 of 2013.

Learned Government Pleader brought to the notice of this Court that the above said PRC was committed to the Court of Sessions and the same was numbered as S.C.No.304 of 2014. After full-fledged trial, all the accused were acquitted by judgment dated 26.10.2016 on the file of the Court of the Principal Sessions Judge, Guntur. He also submitted that the 4th respondent conducted a detailed investigation by recording the statements of all the relevant witnesses and filed a final report. Therefore, there is no truth in the allegation made by the petitioner that the matter should be entrusted to CBCID since the police have failed in their duties.

The petitioner filed reply affidavit stating that the Investigating Officer has not conducted the investigation properly and all the criminals were not charge sheeted in the case. Therefore, the matter may be entrusted to CBCID.

However, from a perusal of the contents of the counter affidavit and the xerox copy of the judgment placed on record vide S.C.No.304 of 2014, this Court is of the opinion that

there are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed.

Miscellaneous petitions, if any, shall also stand dismissed.

P. KESHAVA RAO, J

Date: 12.11.2018.

ES

