

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.29580 of 2018

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, with the following prayer:

“To issue an appropriate Writ Order or Direction more particularly one in the nature of Writ of Mandamus to declare the inaction of the Respondent Nos.2 and 3 herein in conducting investigation into Cr No 139 of 2014 for the offence U/Sec 447 of I P C and Sec 3 iv of SC and ST POA Act 1989 though the said crime is registered on 24.5.2014 as being illegal arbitrary unconstitutional and contrary to the provisions of Sec 7 of the SC/ST POA Act 2015 and consequently direct the respondents to complete the investigation and filed charge sheet before the concerned Court”.

Today, when the matter is taken up, written instructions dated 7.9.2018 furnished by the Sub-Divisional Police Officer, Kodad Division, Suryapet District are placed on record by the learned Government Pleader for Home, which reads as under:

“On a complaint of the petitioner herein lodged with the Police of Mattampally Police Station, a case in Cr.No.139/2014 U/Secs.447 IPC and Sec.(1)(iv) of SC/ST (POA) Act dated 24.5.2015 was registered against Mr.Elaka Appa Reddy and 2 others as they criminally trespassed into the lands of the SC Community people and dumped the stones in their lands and as per the instructions of the Superintendent of Police, Nalgonda district, the Sub-Divisional Police Officer, Kodad Division has taken up the investigation into the case.

During the course of investigation, the investigation officer (SDPO, Kodad) has examined as many as 7 witnesses and recorded their detailed statements.

It is submitted that the total investigation is completed. Proposals were placed before the legal officer for obtaining legal

opinion. Within 2 weeks this respondent will file appropriate report before the concerned Hon'ble Court.

Due to administrative reasons i.e. change of investigation officers, the investigation is delayed. The delay is neither wilful nor wanton for the reasons stated supra. I humbly submit that at present investigation is completed, final report is being filed U/sSec.173 Cr.P.C. and it is awaited for the instructions of superior officers and final report will be filed thereafter preferably within 2 weeks.

It is pertinent to submit that the averments made in the affidavit are the subject matter of investigation in Cr.No.139/2014, for which a detailed investigation is conducted and completed. Proposals were submitted to the legal adviser for opinion.

I assure to this Hon'ble Court that the appropriate report U/sec.173 Cr.P.C. will be filed before the concerned Hon'ble Court preferably within 2 weeks and I pray this Hon'ble Court to pass appropriate orders as it may deem fit and proper in the interests of justice".

Recording the said instructions dated 7.9.2018, the writ petition is disposed of, directing the Respondents herein to file final report as assured in the written instructions, as expediently as possible. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

Date: 24.12.2018
DA

A.V.SESHA SAI, J



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24.12.2018

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