

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

W.P.No.29794 of 2018

ORDER:

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

“To issue Writ order or direction preferably Writ of Mandamus declaring the in action of the 3rd Respondent police in proceeding with the investigation in Crime No 6/2015 dated 14.2.2015 as illegal arbitrary and violative of principles of natural justice and consequently direct the 2nd and 3rd respondents to proceed with the investigation and take appropriate action against the culprits by filing final report”.

Today, when the matter is taken up, written instructions dated 25.9.2018 furnished by the Sub-Inspector of Police, Yetapaka Police Station, East Godavari District are placed on record by the learned Government Pleader for Home, which reads as under:

“It is respectfully submitted that the petitioner gave a complaint stating that the accused persons colluded and created a fake will document dated 12.5.2010 by forging the signature of the patta holder by name Vutukuri Narasimharao and used the forged will document as a genuine document pertaining to land to an extent of Ac.19.32 cents in Survey No.104/2 of Ramagoopalapuram village and got enrolled his name in revenue records in online and cheated the firm. Basing on the above complaint, a case was registered in Cr.No.6/2015 for the offences U/s.420, 468, 471 r/w 34 IPC Yetapaka P.S. on 14.2.2015. That during the course of investigation the investigation officer obtained the copy of the will document, death certificate of Vutukuri Laxmi Narasimharao. The investigation officer addressed a letter to the Executive Officer, Sri Seetharamaswamy Devasthanam, Bhadrachalam requesting to submit any document containing signature of Vutukuri Narasimharao to prove the genuineness of the document before Hon'ble Court in this case. Further examined the witnesses LWS.1 to 12 and also recorded the statements. That the investigation officer issued U/s.91 Cr.P.C. notice

to the family members of the Vutukuri Narasimharao on dated 28.8.2018 and also to the complainant to submit any document containing signature of Vutukuri Narasimharao and also any relevant documents but they gave reply on dated 31.8.2018 stating that they have no documents without will and GPA. That on 4.9.2018 the Station House Officer, Yetapaka had addressed a letter to the Tahsildar & Mandal Executive Magistrate to furnish ownership details of disputed land. In reply to it Tahsildar & Mandal Executive Magistrate had addressed a letter to the Station House Officer, Yetapaka on dated 11.9.2018 stating that the petitioner has filed an appeal before the Appellate Authority & Sub Collector against Chandra Radhika vide ROR Appeal No.2/2016 and the same is pending.

It is to submit that till now the specimen signature of the Vutukuri Narasimharao regarding both the wills are not found, so as to compare it for genuinenity to submit before the Hon'ble Court. Case will be finalized as early as possible within three months".

Recording the said instructions dated 25.9.2018, the writ petition is disposed of, directing the Respondents herein to file final report, 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
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A.V.SESHA SAI, J



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24.12.2018

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