

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.31475 OF 2018

ORDER

The case of the petitioner is that the dead body of his son was found on Nadikudi Railway Track on 20.10.2017 and the 4th respondent – Station House Officer Nadikudi Police Station, GRP Vijayawada, Krishna District, Andhra Pradesh, based on the complaint of railway staff, registered the case in Cr.No.46 of 2017 under Section 174 of Cr.P.C. The grievance of the petitioner is that his son was brutally killed by six persons and though he has given the names of the said six suspects to the 4th respondent, he is not taking any action and altering the section of law from Section 174 Cr.P.C. to Section 302 IPC. Hence the writ petition.

Heard the learned counsel for the petitioner.

Learned Assistant Government Pleader for Home produced written instructions of Sub Inspector of Police, and Station House Officer, Nadikudi Railway Police Station, Railway Police District, Vijayawada, dated 11.09.2018, stating that based on the intimation from one Muralial Meena, Station Superintendent, Nadikudi Railway Station on 20.10.2017 at 8 a.m. about the finding of one male dead body, aged about 25 years, lying beside the Track of II loop line, road No.3 at TMLLU Yard, nearby point No.8B at KM 83/8-9, with one leg on the track at II loop line, case in Cr.No.46 of 2017 dated 20.10.2017 under Section 174 Cr.P.C., was registered on the file of Nadikudi Railway Police Station, and the Sub Inspector of Police and Station House Officer, Nadikudi Railway Police Station, has taken the investigation and he examined the complainant and other railway employees and conducted scene of offence panchanama on 20.10.2017 and the dead body was shifted to Government Hospital, Gurazala, where the blood relatives of the deceased, including the petitioner herein, reached the said hospital and identified the body of the

deceased as Gali Vijaya Kumar, son of the petitioner, aged about 20 years, and in their presence and in the presence of mediators, inquest over the dead body was conducted by the investigating officer. At the time of inquest, all the relatives of the deceased, including the petitioner, have expressed no foul play in the death of the son of the petitioner. On the other hand, they specifically stated that the son of the petitioner is the student of II year degree course in Dr.B.R.Ambedkar Centre, Guntur and that he left the house to Thummalacheruvu Railway Station, to go to Hyderabad, for obtaining degree certificate from the concerned authorities at Hyderabad and that he might have fallen down from the train due to slip and died. Autopsy was conducted on the dead body of the deceased by the Medical Officer, Government Hospital, Gurazala on 20.10.2017 and he issued report dated 20.10.2017, opining the cause of the death as "Hemorrhage and shock due to multiple fractures and head injury." Last rites of the deceased were conducted by his relatives and no one, including the petitioner, expressed any foul play in the death of the deceased. While the matter stood thus, petitioner made petition on 27.03.2018 before the Superintendent of Police, Guntur Rural District, alleging therein that he came to know that one Gade Venkateshwarlu and five others, have killed his son and put him on the railway track. In pursuance of the said allegations, investigating officer has examined all the six persons suspected to have killed the son of the petitioner, their statements were recorded on 20.04.2018 and 18.05.2018, wherein they denied the allegation. The cell numbers of the said six persons was gathered and called data records were obtained and analyzed, wherein no incriminating evidence came forth. It is further stated that as many as thirteen witnesses were examined and their statements were recorded in the investigation. Except the after-thought allegation of the petitioner, which is contrary to the statements recorded at the time of investigation, there is no evidence to alter the section of law from Section 174 Cr.P.C. to Section 302 IPC, as sought for by the petitioner. However, further investigation is in progress and that in case any evidence

comes to light, requiring alteration of section of law, the same will be done in accordance with law.

Recording the above statement made in the written instructions and as the further investigation is stated to be in progress, writ petition is disposed of directing the investigating officer to complete the investigation as expeditiously as possible and file report, within a period of four months from the date of receipt of a copy of this order.

Interlocutory applications pending, if any, shall stand closed. No costs.

A.RAJASHEKER REDDY,J

DATE:18—09—2018

AVS

