

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.33453 of 2018

ORDER:

When the matter is taken up, written instructions dated 17.09.2018 furnished by the Sub-Inspector of Police & SHO, Pentapadu PS, West Godavari District are placed on record by the learned Government Pleader for Home.

To the extent of their relevancy to the present writ petition, the said instructions, read as under:

“It is submitted that basing on the complaint of the petitioner herein, a case in Cr.No.142/2017, dt.21.12.2017, u/s/420, 506 r/w. 34 IPC was registered on the file of the 5th respondent police station, against the respondents 6 to 8 herein, wherein investigation was taken up by the Sub-Inspector of Police & SHO, Pentapadu Police Station.

It is submitted that during the course of investigation, the investigating officer has so far examined as many as (15) witnesses and recorded their statements. Further, the respondents 6 & 7 herein, A.1 & A.2., were arrested on 25.02.2018 & 05.03.2018 and remanded to judicial custody, whereas the 8th respondent herein, A.3, has obtained anticipatory bail vide CrI.MP.No.42/2018, in Cr.No.142/2017, dt.27.04.2018, from the Hon'ble VIII Addl.Dist. & Sessions Judge Court, W.G.Dist., Eluru. Further, the respondents 6 herein, A.1, has disclosed the involvement of one Pedamurthy Subba Rao in the above-said offence, in his confessional statement recorded on 25.02.2018 by the investigating officer. Accordingly, Pedamurthy Subba Rao was added as Accused No.4., on 25.02.2018, in Cr.No.142/2017, and taken up further investigation. Apart from that, the investigating officer has addressed letter dt.23.02.2018, to the Branch Manager, SBI, Bhupal's Enclave, Tadepalligudem for furnishing the transaction details of the 6th respondent herein, A.1, and obtained the same for the purpose of investigation. So far, the alleged offence against the 4th accused, i.e. Pedamurthy Subba Rao, has not been prima-facie established and for which,

further investigation is in progress, during which some more witnesses are required to be examined.

It is submitted that after completion of investigation in the case as expeditiously as possible, i.e. within the period of three months, the final report u/s. 172(2) Cr.P.C will be filed by the investigating officer before the concerned jurisdictional court, without any delay.

In view of the facts and circumstances stated supra, there is no inaction on the part of the respondent police authorities in conducting investigation in Cr.No.142/2017, dt.21.12.2017, as alleged in the writ petition. All other allegations of the petitioner against the respondent police authorities are incorrect, untenable and hereby denied.”

Having regard to the above instructions and keeping in view the submissions of the learned counsel for the petitioner and the learned Government Pleader for Home, this Court deems it appropriate to dispose of the writ petition directing the respondent police authorities to complete the enquiry as expeditiously as possible and thereafter file report. There shall be no order as to costs.

Miscellaneous Petitions pending consideration, if any, in this Writ Petition shall stand closed.

JUSTICE A.V.SESHA SAI

Date :22.10.2018

dv