

HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.34196 of 2018

ORDER:-

When the matter is taken up, the written instructions furnished by the Sub-Inspector of Police, Sakhinetiipalli PS, East Godavari District, dated 26.09.2018, are placed on record by the learned Government Pleader. The said instructions read as under:-

“It is submitted that the writ petitioner herein raised certain allegations against the respondent police are incorrect and baseless. The respondent police did not receive any report as alleged by the writ petitioner, for providing protection to the writ petitioner.

It is pertinent to mention here that basing on the report submitted by the writ petitioner herein, on 09.09.2018, the 5th respondent herein registered a case in Cr.No.120/2018 against five accused persons and 200 others for the offences under Sections 447, 427, 384 and 323 r/w 34 I.P.C., and took up investigation. After taking up of investigation, the 5th respondent herein examined as many as five persons and recorded their statements as LWs.1 to 5. Further, the 5th respondent herein sent requisition to the Tahsildar, Sakhinetiipalli, for issuance of necessary documentary evidence regarding ownership of the disputed property and the same is pending consideration. As far as completion of investigation, the prima facie case was established against the named accused persons.

It is submitted that the accused persons are absconding since the date of registering the crime and their whereabouts are not known. Due to the said reason only, the investigation of the crime has been kept pending. It is pertinent to mention here that securing the presence of the accused is very necessary in this crime, as the 5th respondent herein has to identify other persons, who involved in this offence, and is possible only in the event of enquiring the named accused only. Apart from that, there

is no willful delay in completion of investigation of the crime, as alleged by the writ petitioner.

It is pertinent to mention here that regarding the issue in connection with the crime No.120/2018, a counter case was also registered in crime No.121/2018 on the file of the 5th respondent Police Station against writ petitioner herein and her son for the offence under Sections 341 and 354 r/w 34 I.P.C. The same is also at the stage of investigation. Copy of the same is herewith enclosed.

Moreover, a case in Cr.No.90/2018 was registered on 17.06.2018 for the offences under Section 145 and 107 Cr.P.C., against both the parties and forwarded the same to the Revenue Divisional Officer, Amalapuram, and the same is pending consideration. Copy of the same is herewith enclosed.

It is respectfully submitted that the issue between the writ petitioner herein and the accused in Cr.No.120/2018 has been pending since long time in connection with the disputed property. Presently, the requisition for production of documents before the Tahsildar, Sakhinetipalli has been pending consideration. Immediately, after securing the same, necessary action will be taken in this issue.”

Accordingly, the Writ Petition is disposed of, by placing on record the said instructions furnished by the Sub-Inspector of Police, Sakhinetipalli PS, East Godavari District, dated 26.09.2018, with a further direction to the respondents herein to complete the investigation, as expeditiously as possible.

Miscellaneous petitions pending, if any, shall stand disposed of. There shall be no order as to costs.

A.V.Sesha Sai, J

Date:13.11.2018
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