

HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.34769 of 2018

ORDER:-

When the matter is taken up, the written instructions furnished by the Sub-Inspector of Police, Kukatpally Police Station, dated 25.09.2018, are placed on record by the learned Government Pleader. The said instructions read as under:-

“On receipt of a private complaint filed by the petitioner herein from the Hon'ble Court of IX-Metropolitan Magistrate, Cyberabad at Kukatpally, a case in Cr.No.524/2017, under Sections 406 and 420 I.P.C., read with 156(3) of Cr.P.C., dated 27.07.2017, was registered on the file of Kukatpally Police Station against Mr.Ch.Uma Maheswar, POartner of M/s.Namitha Builders/5th respondent herein and taken up the investigation into the case.

During the course of investigation, the then Investigating Officer examined the complainant/petitioner and recorded his detailed statement.

As part of investigation, on 24.08.2017, a letter, dated 24.08.2017, was addressed to the Branch Manager, ICICI Bank, Himayath Nagar Branch, Hyderabad requesting him to furnish the cheque No.981658 details and also to the Branch Manager, IDBI, Kachiguda Branch, Hyderabad, requesting him to furnish the details of Cheque No.142831 and 131241 and obtained information from them. They stated that they did not have any account in the name of Namartha Builders at Himayathnagar Branch, Hyderabad.

As part of investigation, a letter d 28.10.2017, was also addressed to the Joint Sub-Registrar-I, Registration and Stamps Department, Prashanthinagar, RR District, requesting him to furnish the certified copies and encumbrance certificate of the document bearing No.1560/2013 and encumbrance certificate on the property.

As part of investigation, a notice under Section 91/160 Cr.P.C., dated 06.11.2017 was served on the Managing Director, Namitha Buldings, Hyderabad, requesting him to appear before the Investigating Officer and to submit the relevant documents (as mentioned in the notice) relating to the case to proceed with further investigation into the case.

As part of investigation, a letter, dated 22.11.2017, was addressed to the Branch Manager, Deccan Grameena Bank, Himayath Nagar Branch, Hyderabad, requesting him to furnish the statement of account No.79011240886 of Sri Minna Reddy Nanavala from the period 01.01.2012 to till date for further investigation into the case.

As part of investigation, a letter, dated 11.12.2017, was addressed to the Sub-Registrar, Kukatpally, Medchal District requesting him to furnish the certified copies of development agreement-cum-General Power of Attorney Doc.No.9439/2013 of Sy.No.90/2 admeasuring 4840 Sq.Yds., situated at Gachibowli village, Serilingampally Mandal for further investigation into the case.

As part of investigation, a letter, dated 07.02.2018, was addressed to the Sub-Registrar, Kukatpally, Medchal District, requesting him to furnish the certified copies of sale deed doc.No.9187/2011, dt.25.0.2011 of Sy.No.90/2 admeasuring 4840 Sq.Yds., situated at Gachibowli village, RR District for further investigation into the case.

It is submitted that the investigation is under progress and it is pending for want of examination of the some more witnesses and for collection of material evidence to establish the offences against the accused in the FIR.

It is humbly submitted that to complete the full-fledged investigation into the case it requires 3 months time to the investigating agency.

I humbly submit that due to the administrative grounds of change of officers from Hyderabad Range to Cyberabad Commissionerate, some delay has caused in completing the investigation into the case. The delay is

neither willful nor wanton, for which I seek pardon of this Hon'ble Court.

It is pertinent to submit that the averments made in the affidavit are the subject matter of investigation in Cr.No.524/2017, for which, a detailed investigation is going on. To complete the full-fledged investigation and for filing appropriate report before the concerned Hon'ble Court it requires 3 months time to the investigating agency.

In view of the above facts and circumstances, I pray this Hon'ble Court to grant 3 months time to the investigating agency for completion of the full-fledged investigation and for filing final report into the Hon'ble Court and to pass such other order or orders as it may deem fit and proper in the interests of justice."

Accordingly, the Writ Petition is disposed of, by placing on record the said instructions furnished by the Sub-Inspector of Police, Kukatpally Police Station, dated 25.09.2018, with a further direction to the respondents herein to complete the investigation and file final report, 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: 15.11.2018
smr