

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

WRIT PETITION No.36163 of 2018

ORDER:

Heard learned counsel for the petitioners and the learned Government Pleader for Home, apart from perusing the entire material available on record.

When the matter is taken up, written instructions, dated 05.10.2018, furnished by the Sub Inspector of Police, Pet Basheerabad Police Station, are placed on record by the learned Government Pleader. The said instructions, to the extent of their relevance to the present Writ Petition, are as under:

"It is respectfully submitted that as per the records, the facts of the case are as follows:-

At the outset, it is respectfully submitted that earlier the petitioner herein filed W.PNo.19536/2018 seeking a Writ of Mandamus that earlier declaring the action of the respondents in not filing charge sheet in Cr.No.289/2017 U/Sec 420 IPC on the file of Pet Basheerabad Police Station as illegal and arbitrary.

This Hon'ble Court by order dated 21.6.2018 disposed of the above writ petition as follows:-

It is stated in the written instructions produced by the learned Assistant Government Pleader for Home that the investigation is over and investigating officer made request to Public Prosecutor concerned on 22.3.2018 to give his opinion and the same is awaited. After receiving the opinion from the Public Prosecutor concerned and after completion of investigation as per law, appropriate report will be filed.

Recording the same, the writ petition is disposed of. It goes without saying that the investigating officer will file report as early as possible. As a sequel to the disposal of the petition, miscellaneous petitions, if any, pending shall stand closed".

Again with the same set of facts, the petitioner filed the present writ petition.

It is humbly submitted that it is a fact that on a complaint lodged by the petitioner herein with the police of

Pet Basheerbad Police Station, a case in Cr.No.289/2017 u/sec.420 IPC dated 28.4.2017 was registered against the unofficial respondents herein and taken up the investigation into the case.

During the course of investigation, the investigation examined the complainant/petitioner and other witnesses and recorded their detailed statements. Documentary evidence has also been collected.

After collecting the material evidence on record, the investigation officer addressed the learned Asst.Public Prosecutor, XV MM, at Medchal on 22.03.2018 requesting to offer his legal opinion to enable the investigating agency to proceed with further course of action in the matter as this is a case reported against the DCB Bank Employees for cheating, whereas the bank employees proceeded as per SARFEAS Act and as per the orders of the Hon'ble Courts.

After perusing the CD file on record, the Assst.Public Prosecutor returned the same to the investigating officer for the following reasons on 30.04.2018.

I have gone through the CD file, statements of witnesses, documents. As per sanction letter dated 24.3.2014, it appears that Bank sanctioned loan amount of Rs.20 lakhs excluding the insurance. The Investigation Officer is advised to collect the details, documents, the bank disbursed the loan amount and collect to whom account the sanctioned loan credited"

After complying the same, the investigation officer once again addressed the Asst.Public Prosecutor, XV MM, at Medchal on 16.8.2018 seeking legal opinion on 29.8.2018 stating that it is a fit case to refer by filing final report.

It is further respectfully submitted that almost the investigation is completed. The matter was placed before the higher-ups seeking further course of steps in this case.

I assure to this Hon'ble Court that appropriate report U/sec.173 Cr.P.C will be filed before the concerned Hon'ble Court by following the due procedure within a period of 3 weeks.

To bring pressure on the investigating agency to file charge sheet the petitioner filed the present writ petition.

In view of the above facts and circumstances, I pray this Hon'ble Court to grant 3 weeks time to the investigating agency for filing appropriate report before the

concerned Hon'ble Court and to pass such other order or orders as it may deem fit and proper".

By placing on record the above written instructions Writ Petition is disposed of, directing the respondent-police authorities to file report before the Court, as expeditiously as possible. There shall be no order as to costs.

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

08th November, 2018
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A.V. SESA SAI, J

