

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

WRIT PETITION No.37939 of 2018

ORDER:

When the matter is taken up, written instructions dated 23.10.2018 furnished by the Sub-Inspector of Police, Ponnaluru P.S., Prakasam District are placed on record by the learned Government Pleader for Home.

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

“It is submitted that basing on the hospital intimation from the Kandukur Area Hospital, the statement of the petitioner was recorded by police on 20.09.2018 at the said hospital and basing on the same, a case in Cr.No.72/2018, dt.20.09.2018, u/s. 143, 147, 148, 324 r/w. 149 IPC was registered on the file of 7th respondent police station, in respect of the incident dt.20.09.2018, against the respondents 8 to 15 herein.

It is submitted that similarly basing on the hospital intimation from the Kandukur Area Hospital, the statement of the one Yenimi Reddy Venkataiah, was recorded by police on 20.09.2018 at the said hospital and basing on the same, a case in Cr.No.73/2018, dt.20.09.2018, u/s. 143, 147, 148, 324 r/w. 149 IPC was registered on the file of 7th respondent police station, in respect of the incident dt.20.09.2018, against one Varikuti Anjaneyulu & 7 others, including the father of the petitioner herein, namely; Yenimireddy Pedda Brahmaiah @ Brahmaiah (A.4).

It is submitted that in the above cases, investigation was taken up by the Sub-Inspector of Police & SHO,

Ponnaluru P.S. During the course of investigation, in Cr.No.72/2018, the investigating Officer has arrested the respondents 8 and 10 to 15 herein, on 27.09.2018 and produced them before the Hon'ble AJFCM Court, Kandukur along with remand report for the reasons stated therein, wherein the Hon'ble Court granted bail to the said accused.

It is submitted that similarly in Cr.No.73/2018, the investigating officer has arrested the Accused A.1 to A.3 and A.5, A.6 & A.8 on 27.09.2018 and produced them before the Hon'ble AJFCM Court, Kandukur along with remand report for the reasons stated therein, wherein the Hon'ble Court granted bail to the said accused.

It is submitted that while being so, the father of the complainant/petitioner, namely; Pedda Prahmaiah, one of the injured person in the incident dt.20.09.2018, died at Uday Hospital on 30.09.2018, while undergoing treatment. Thereon, Section 302 IPC was added to Cr.No.72/2018 and investigation was taken up by the Inspector of Police, Kandukur Circle, Prakasam District, which is in progress.

It is submitted that in Cr.No.72/2018, the investigating officer has filed a memo, before the Hon'ble AJFCM Court, Kandukur, to cancel the bail order dt.27.09.2018 granted to the accused in Cr.No.72/2018, which was returned by the said Hon'ble Court vide Dis.20678, dt.50.10.2018 on the ground that the said court is not having jurisdiction to cancel the earlier bail order. Thereon, the investigating officer has filed a petition dt.12.10.2018 before the Hon'ble Prl.Dist. & Sessions Judge, Ongole, to cancel the bail granted to the accused by the Hon'ble AJFCM Court, Kandukur on 27.09.2018 in Cr.No.72/2018, in order to re-arrest the accused and custody for further investigation in Cr.No.72/2018, wherein the said Hon'ble Court has yet to orders.

In view of the facts and circumstances stated supra, all the allegations of the petitioner with regard to non-conducting of investigation in Cr.No.72/2018 are totally false and baseless. In fact, in Cr.No.72/2018, the investigating officer has examined as many as (15) witnesses and recorded their statements, wherein further investigation is in progress strictly in accordance with law and as per the provisions of Criminal Procedure Code. Further, the accused in Cr.No.72/2018 were arrested therein on 27.09.2018. Subsequently to death of petitioner's father and adding of Section 302 IPC to Cr.No.72/2018, the investigating officer has filed the petition for cancellation of bail order dt.27.09.2018, in Cr.No.72/2018, granted by the Hon'ble AJFCM Court, Kandukur, in order to re-arrest the accused and custody of the accused for further investigation in Cr.No.72/2018. On completion of investigation, the investigating officer will file the final report u/s. 173 Cr.P.C 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.72/2018, dt.20.09.2018, 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 written instructions and taking into consideration 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 by placing on record the above said instructions.

Accordingly, the writ petition is disposed of by placing on record the written instructions dated 23.10.2018 furnished by the Sub-Inspector of Police, Ponnaluru PS, Prakasam District. There shall be no order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

JUSTICE A.V.SESHA SAI

26.10.2018

v v

