

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

WRIT PETITION No.38014 of 2018

ORDER:

Heard learned counsel for the petitioner 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 22.10.2018, furnished by the Sub Inspector of Police, Yadagirigutta 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:

“On a complaint lodged by the petitioner herein with the police of Yadagirigutta Police Station, a case in Cr.No.301/2016 U/secs.420, 506 IPC dated 31.12.2016 was registered against Mr.Brahmachary and others and investigation was taken up. During the course of investigation, investigation officer examined as many as 4 witnesses including the complainant/petitioner and recorded their detailed statements and investigation was taken up.

During the course of investigation, the then investigation officer examined as many as 4 witnesses including the complainant/petitioner and recorded their detailed statements.

While the investigation is under progress, the accused A1 and A2 Mr.Velishala Narasimhachary and Mr.Velishala Krishnachary filed W.P.No.5890 of 2017 before this Hon'ble Court before this Hon'ble Court seeking a direction to the respondent police to follow the provision of Sec.41 (1) (b) and 41-A Cr.P.C. This Hon'ble Court disposed of the said writ petition by order dated 21.2.2017, directing the respondent police to follow the procedure while investigation the said crime.

It is pertinent to submit that the investigation is under progress. It is pending for want of collection of some more evidence to establish the offences mentioned in the FIR against the alleged accused in the FIR. Due to the

administrative grounds ie., change of officers from time to time, delay has caused in completing the investigation into the case. The delay is neither willful nor wanton.

It is humbly submitted that almost the averments made in the affidavit filed in support of the writ petition are the subject matter of investigation in Cr.No.301/2016, for which, a detailed investigation is under progress.

To complete the full-fledged investigation into the case and for filing appropriate report into the Hon'ble Court, it requests one month time to the investigating agency.

I humbly submit that I assure to this Hon'ble Court that the investigation will be completed within a period of one month and file appropriate report before the concerned Hon'ble Court by following the due procedure”.

By placing on record the above written instructions, Writ Petition is disposed of, directing the respondents to complete the investigation and file a report, as expeditiously as possible, as stated in the above instructions. There shall be no order as to costs.

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

16th November, 2018
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A.V. SESA SAI, J