

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.11138 of 2018

ORDER :

The petitioners/A.1 and A.2 of Crime No.130 of 2018 of V Town Police Station, Nizamabad, registered for the offences punishable under Sections 420, 468, 471, 447, 427 and 506 read with 34 IPC. No doubt, it is one of the points urged by the learned counsel for the petitioners of the F.I.R. itself speaks the alleged occurrence was in June 2018 and the report given on 19.09.2018, nearly three months after the alleged trespass, and alleged mischief and the so-called alleged acts based on alleged forged and fabricated documents using as genuine.

2. It is the submission of the learned counsel for the petitioners that for the notice issued under Section 91 Cr.P.C. instead of Section 41-A Cr.P.C. by the police in investigation of the crime material papers submitted with explanation and including the revenue records and the survey report and in the pending investigation not so far referred the same and there is every apprehension of the arrest of them at the instance of the *de facto* complainant/2nd respondent. None of the offences are punishable above seven years, thereby the police are directed to strictly follow Section 41-A Cr.P.C. and shall consider the explanation given by the petitioners as part of the investigation material before filing any final report also it must be with reference to the same.

3. Accordingly, the criminal petition is disposed of. All defences are left open.

Miscellaneous petitions pending, if any, in the criminal petition shall stand closed.

Dr. B. SIVA SANKARA RAO, J

26th November 2018.

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