

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

W.P.No.38625 of 2018

ORDER:

When the matter is taken up for hearing, the written instructions dated 26.10.2018 furnished by the Station House Officer, Mahankali Police Station are placed on record by the learned Government Pleader.

The instructions dated 26.10.2018 read as under :-

“It is submitted that the petitioner has given a report with PS : Mahankali, Secunderabad on 1.9.2018 stating that 1) Manish Kumar Jha, 2) Rajiv Kumar Singh and 3) Prakash Chand Gupta, are working in their Sulbha International Social Service Organization, Hyderabad as officers. On 30.8.2018 at about 12.30 p.m. they came to Kalasiguda Sulbha Complex and quarrelled with him and abused him in filthy language and also touching his caste name and also threatened him of dire consequences.

It is submitted that based on the above report, a case in Crime No.130/ 2018, U/ s.3(1)(x) of SCs, STs (POA) Act, 1989, 506 of IPC of Mahankali Police Station was registered on 1.9.2018. As per the orders of the Commissioner of Police, Hyderabad, the ACP, Mahankali Division, Secunderabad, took up investigation in the crime. During the course of investigation, the complainant and other witnesses were examined and recorded their statements. Thereafter, the complainant was asked to produce his caste certificate with regard to his SC Community status. The Deputy Commissioner of Police, North Zone, Secunderabad was requested to provide the call particulars and tower location of the accused mobile phones. Since the petitioner has not furnished his caste certificate, a notice U/ s.160/ 91 Cr.P.C. dated 1.10.2018 was issued to him.

It is submitted that on 3.10.2018 the petitioner has furnished his caste certificate. On that, a letter was sent to the Anchal Adhikari, Mahnar District, Vaishali Prakand Mahnar, Bihar

requested to furnish the genuineness of the caste certificate furnished by the petitioner.

It is submitted that while the investigation is in progress, the petitioner has given a representation to the Telangana State Commission for SCs and STs, Basheerbagh, Hyderabad alleging that the Police have not taken any action on his report. The Hon'ble Commission forwarded the petitioner's representation to the Commissioner of Police, Hyderabad vide letter dated 15.9.2018.

It is submitted that the petitioner has also given a representation to the Hon'ble Member, National Commissioner for SCs, Hyderabad regarding the subject matter.

It is submitted that on 4.10.2018 appropriate notices were issued to the 3 accused persons directing them to produce their caste certificates for further investigation.

It is submitted that on 12.10.2018 the District Revenue Officer, Hyderabad District addressed a letter to the Commissioner of Police, Hyderabad City requesting to enquire into the subject matter of the crime and to submit a report to the National Commission for Scheduled Castes, Hyderabad.

It is submitted that on 20.10.2018 the Legal Advisor, PCR & POA Act, Hyderabad addressed a letter to the Investigation Officer to speed up the investigation.

It is submitted that, as there was no response from the Anchal Adhikari, Mahnar District, Vaishali, Prakand-Mahnar, Bihar, reminder letter dated 25.10.2018 was addressed to him to furnish the genuineness of the petitioner's caste certificate.

It is submitted that, as explained above, fair and impartial investigation is conducting in the Crime. No malafides can be attributed to the same. Because of the non-receipt of information from the Anchal Adhikari, Mahnar District, Vaishali, Prakand-Mahnar, Bihar regarding caste status of the petitioner and also the caste particulars of the accused, the case is pending investigation.

It is submitted that, after receipt of the above information, appropriate action will be taken in the crime based on the statements of the witnesses and evidence.

It is submitted that the petitioner herein without knowing the above facts, filed the present writ petition alleging inaction on the part of the Police.

It is submitted that the petitioner is moving various Forums/ authorities with regard to the subject matter and the Police are moving from pillar to post since the date of registration of crime i.e., 1.9.2018.”

By placing the above instructions on record, the writ petition is disposed of with a further direction to the respondent police authorities to take action strictly in accordance with law. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

Date: 09.11.2018
Prv

A.V.SESHA SAI, J







