

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.34999 of 2017

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Home for respondents 1 to 3 and Sri M.Balaji chooses to appear on behalf of respondent Nos.4 to 7 and perused the prayer in the writ petition with the supporting affidavit and recorded the personal appearance of the SHO, Jagathgiritutta-3rd respondent with part-I case diary as it was direction to produce on 23.04.2018. From the part-I case diary, it shows the notice was sent under Section 91 CrPC with registered post receipt dated 24.04.2018 to produce remaining documents what are available with the defacto complainant and produce witness.

In fact a perusal of the very report received and endorsed on 03.08.2017 at 20.00 hrs, crime No.589 of 2017 was registered for the offences punishable under Sections 419, 420, 468 & 471 IPC, mentions of 3 pages written complaint to which the documents are enclosed. Undisputedly, there are certain documents received by the present IO, who received the case investigation from his predecessor Sri P.Srinivas, earlier Inspector of Police on 10.01.2018 since transferred on 13.01.2018 refers to earlier investigation verified and found in correct lines and it shows from 16.01.2018 of contacted the complainant and requested to produce remaining documents and furnish updated position of all documents relating to this case and he has given assurance to produce within couple of weeks, after collecting the same so as to proceed with further investigation. It is unknown how it has come to conclusion that earlier investigation verified and found in correct

lines and what are the remaining documents if at all is required, which is silent and nothing shows the said development of the further investigation is submitted to the learned Magistrate from the very wording of Section 157(1) CrPC of the reports from time to time of day to day progress of the investigation must be submitted by the IO to the learned Magistrate/Chief Metropolitan Magistrate/Metropolitan Magistrate as the case may be, for the difference between Sections 173 and 157 CrPC reports is the same cannot be said to the officer of the cadre of Inspector is not known. There is some force in the submission of the defacto complainant/writ petitioner of the investigation is not going on proper lines and want to keep it in cold storage. To avoid such apprehension, this Court feels it just, besides from the investigation shows not completed, to direct the 2nd respondent-Commissioner of Police, Cyberabad, to name another investigating officer to cause handover the case diary and to complete the investigation within two (2) months from the date of receipt of this order under his personal supervision including for any connected cases of investigation.

With these observations, the Writ Petition is disposed of.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 30.04.2018
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