

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

WRIT PETITION No.40043 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 06.11.2018, furnished by the Sub Inspector of Police, Keesara Police Station, Rachakonda Commissionerate, 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 of the petitioner herein lodged with the police of Keesara Police Station, a case in Cr.No.76/201s u/secs 419, 420, 468, 471 r/w 34 IPC dated 6.3.2018 was registered against 1) Yerukala Narasimha, 2) Eaga Hariprasad 3) YarakalaVijayalakshmi, 4) Smt.Mastanbi and 5) B.Malakondaiah and taken up the investigation into the case.

The sum and substance of the complaint of the petitioner is that his mother Mastanbi purchased from one Ram Mohan Rao in an extent of 1360sq.yards in different survey numbers under registered document bearing No.1679 of 1967 and his mother died on 24.5.2012. Later, when he visited as usual, noticed somebody cleaned the plots and when enquired somebody appears coming and when he went to Sub Registrar Office and obtained Encumbrance Certificate found the property shown alienated as if by his mother to one Vijayalaxmi and E.Hariprasad under registered document bearing Nos. 15602 and 15601 of 2016 respectively dated 13.12.2016 and further E. Harsiprasad inturn sold to one Krishnaveni under registered document bearing No.119 of 2017 dated 7.1.2017 and that the accused created fake document by impersonating his mother as if present and cause registering the property.

During the course of investigation, the investigation officer examined as many as 10 witnesses including the petitioner/complainant and recorded their detailed statements.

As per the evidence, the accused A1 Mr. Yerukala Narasimha was arrested on 4.6.2018 and after following the due procedure, they were remanded to judicial custody.

The accused A2 and A3 had obtained anticipatory bail from the Hon'ble High Court in CrI.P.No.6768 of 2018 dated 20.7.2018.

The accused A4 Smt.Mastanbi, w/o. G.K.Suaik aged 65 years, Occ: House wife, r/o.21-5-48, Thimmalpalli village, Keesara Mandal is absconding and enquiries revealed that no such person was there. However, the identity of A4 is yet established.

The accused A5 Mr.B.Malakondaiah is absconding. His whereabouts are not known till date.

It is submitted that the investigation is pending for want of examination of some more witnesses and for collection of material evidence to establish the offences including the identity of A4 Smt.Matambi. To complete the full-fledged investigation into the case, it requires some more time to the investigating agency.

It is pertinent to submit that the averments made in the affidavit are the subject matter of investigation in Cr.No.76/2018 for which, a detailed investigation is under progress.

I humbly submit that I assure to this Hon'ble Court that the investigation will be completed as expeditiously as possible and an appropriate report will be filed before the concerned Hon'ble Court at the earliest.

Under these facts and circumstances, I pray this Hon'ble Court to grant some more time to the investigating agency for completion of the investigation into the case and for filing appropriate report into the Hon'ble Court".

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

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

08th November, 2018
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A.V. SESA SAI, J

