

HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.42955 of 2018

ORDER:-

When the matter is taken up, the written instructions furnished by the Dy.Superintendent of Police, Ongole Sub-Division, Prakasam District, dated 04.12.2018, are placed on record by the learned Government Pleader. The said instructions read as under:-

"It is submitted that on a complaint from the mother of the writ petitioner, a case in Cr.No.311/2018 was registered for the offences under Sections 323, 355, 509 r/w 34 I.P.C., and Section 3(1)(r), 3(1)(s), 3(2)(va) of SC,ST (POA) Act against respondents No.7, 8, 10 and 12 by the Sub-Inspector of Police, Ongole I Town Police Station and issued F.I.R. to all the concerned. The Supdt. Of Police, Prakasam District, Ongole authorized Sub-Divisional Police Officer, Chirala to take up personal investigation. As per the orders of the Supdt.of Police, Prakasam District, the Dy. Supdt.of Police, Chirala, took up the investigation and recorded the statements of L.Ws.1 to 3. Later, the Supdt.of Police, Prakasam District at Ongole in partial modification of the orders in C.No.206/D-8/DCRB/SC,ST/Autho/PKM/2018, dated 08.11.2018, authorized the Sub-Divisional Police Officer, Ongole, to take up personal investigation in Cr.No.311/2018 and finalize the case with the stipulated time. The SDPO, Ongole took up further investigation and the investigation is pending. Efforts are continued to apprehend the accused in Cr.No.311/2018 who are at large.

It is submitted that on 30.10.2018, the writ petitioner came to Ongole Taluk P.S., and submitted a written complaint against the respondents 6 to 12. Basing on the contents of the complaint, a case in Cr.No.452/2018 was registered by the Sub-Inspector of Police, Ongole Taluk P.S., for the offences under Sections 376, 417, 506 r/w 34 I.P.C., and Section 3(ii), (V), 3 (ii)(va) and Section 3(I)(r)(s) of SC,ST (POA) Act, on 30.10.2018 and issued F.I.R. to all the concerned. As the SDPO is in charge of Ongole Police Sub-Division, the SDPO instructed the SI to first forward the victim complainant to Medical Officer, RIMS Hospital, Ongole, for necessary medical examination. Accordingly, the SI sent the victim to

RIMS Hospital and in the meantime, the Supdt.of Police, Ongole, is authorized the Sub-Divisional Police Officer, Chirala, i/c.Ongole to take up investigation in Cr.No.452/2018 of Ongole Taluk P.S., vide C.No.202/D-8/DCRB/SC,ST/Autho/PKM/2018, dated 30.10.2018. As I received orders in the night, the SDPO could not continue investigation. Further, the victim also in the RIMS Hospital for medical examination and closed the CD for that day.

It is submitted that on 31.10.2018 resumed further investigation into the case and SDPO visited RIMS Hospital, Ongole to examine the complainant but the victim is under medical examination in RIMS Hospital, Ongole. Later, the DSP visited the house of LW.2 and examined and recorded the statements of LWs.1 to 3. On 04.11.2018, the Investigating Officer examined L.Ws.4 to 7 and recorded their statements Investigating Officer visited the scene of offence and observed the scene of offence in the presence of mediators L.Ws.8 and 9 under a cover of Panchanama and drafted rough sketch. The Investigating Officer also visited the house where the victim and A.1 lived under the room from 22.09.2018 to 26.10.2018. The investigation is pending, some more witnesses to be secured.

It is submitted that later the Superintendent of Police, Prakasam District at Ongole, vide C.No.202/D-8/DCRB/SC-ST/Autho/PKM/2018, dated 14.11.2018 authorized the Sub-Divisional Police Officer, Ongole, to take up investigation and finalize the case. The Dy. Supdt.of Police, Ongole took up further investigation and filed requisition before the Courts for recording statements of the victim complainant under Section 164 Cr.P.C. The Wound Certificate of the victim was received from the Associate Profession, Department of Obstetrics & Gynecology, RIMS, Ongole. On 21.11.2018, the Investigating Officer arrested A.1 and sent him to judicial custody and lodged in District Jail, Ongole. Efforts are continued to apprehend the remaining accused/respondents No.7 to 12. In this case, some more witnesses are to be examined.

It is submitted that L.Ws.1 to 9 were examined in Cr.No.452/2018 of Ongole Taluka P.S., and L.Ws.1 to 3 were examined in Cr.No.311/2018 of Ongole I Town P.S. The investigation in SC/ST cases, the Superintendent of Police of concerned District will authorized the Deputy Superintendent of Police to investigate and file final report. It is submitted that the investigation in both the cases is pending for want of examination of some more witnesses and to collect the documentary evidence.

It is submitted that the Writ Petition filed by the writ petitioner with false and baseless allegations. The Writ Petition is devoid of merits and liable to be dismissed.”

Accordingly, the Writ Petition is disposed of, by placing on record the said instructions furnished by the Dy.Superintendent of Police, Ongole Sub-Division, Prakasam District, dated 04.12.2018, with a further direction to the respondent-Police authorities to expedite the investigation.

Miscellaneous petitions pending, if any, shall stand disposed of. There shall be no order as to costs.

Date:20.12.2018
smr



A.V.Sesha Sai, J