

HON'BLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.12353 of 2013

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader appearing for respondents 1 to 5.

2. The prayer sought in the writ petition is as under:

"... this Hon'ble Court may be pleased to issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus, directing the Respondents 1 to 5 to enforce the Non-Bailable Warrants issued on 30/01/2013 on the file of the Honble VIII Addl. Chief Metropolitan Magistrate at Nampally, Hyderabad in C.C.No.437/2008 against the Respondents 6 to 8 herein and consequently declare the action of the Respondents 1 to 5 for not enforcing the NBW's for the last (10) years and allowing the Respondents 6 to 8 to move freely without attending the Court as denial of justice, and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

3. Respondent No.5 filed a counter affidavit denying the averments made in the affidavit filed in support of the writ petition and contended, *inter alia*, that pursuant to the issuance of non-bailable warrants against respondents 6 to 8, the respondent No.5 addressed a letter to the General Manager, BSNL, Hyderabad on 04.07.2008, requesting to provide address particulars and call particulars of the respondents 6 to 8 for execution of NBW's and in turn, the authorities replied that the telephone was disconnected. The respondent No.5 also addressed a letter to the Regional Passport Officer, Hyderabad on 04.07.2008, requesting to provide passport particulars of the respondents 6 to 8 for execution of NBW's and in turn, the authorities replied that no details are available in their office. In fact, on the request of the respondent No.5, the TV5 authorities telecasted the names of the respondents 6 to 8 for execution of NBW's against them. A special team was constituted comprising of a Women Sub Inspector,

Police Constables – 5633 and 7272 on 15.07.2008, 23.07.2008, 01.08.2008, 11.08.2008 and 19.08.2008 for execution of NBW's by visiting the old residential address of the respondents 6 to 8 and also enquired with their relatives but they were not available, as such NBW's could not be executed. The respondent No.5 also placed requisitions before the Sub-Registrar Offices, Azampura, Malakpet, Chaikkapally and also the Mandal Revenue Officer, Amberpet Mandal on 02.12.2008, requesting to identify the properties of the respondents 6 to 8 and in turn, they reported that they have no properties of their own. On 19.08.2008, the respondent No.5 addressed a letter to the Superintendent of Police, PRC, CID, A.P., Hyderabad requesting to publish the name of Accused No.2 whose photo was available in the Criminal Intelligence Gazette.

4. On 22.08.2008, the respondent No.5 made a request to the learned XIII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad requesting to issue proclamation order for absconding accused persons i.e. respondents 6 to 8 herein. Pursuant thereto, the proclamation orders were issued under Sections 82 and 83 of the Criminal Procedure Code. The proclamation notices were also served on the Mandal Revenue Officer, Amberpet Mandal and also pasted the orders on the wall of the residential address of the respondents 6 to 8 apart from serving a copy to the Bhagyanagar Gas Agency, Vidyanagar, Hyderabad. A copy of the proclamation order was pasted on the notice board of Nallakunta Police Station.

5. That apart, several other steps were also taken for execution of NBW's against respondents 6 to 8. However, the whereabouts of the respondents 6 to 8 were not known. Therefore, LPC.No.21/2017 (vide Dis.No.5743/MSI/Hyd/2017, dated 23.09.2017) was issued and the case is posted to 08.02.2020 for execution of NBW'S against them.

It is also further mentioned in the counter affidavit that as and when the whereabouts of the respondents 6 to 8 are known, NBW's will be executed against them.

6. The learned Government Pleader brought to the notice of this Court that the petitioner herein filed WP.No.12474 of 2008 for the same relief as sought in the present writ petition. The said writ petition was disposed of on 06.07.2011 directing the respondents to make all-out efforts to ensure that the non-bailable warrants against A1 to A3 are executed at the earliest point of time.

7. Since the matter was treated as LPC.No.21 of 2017 and since that respondents are taking appropriate steps and also as they have given an undertaking that as and when clues come forth, NBW's will be executed against the respondents 6 to 8, this Court is of the opinion that no further cause would be survive in the writ petition and the same is liable to be closed.

Accordingly, the writ petition is closed. As a sequel thereto, pending miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

P. KESHA RAO, J

December 16, 2019
DSK