

HONOURABLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.21766 of 2012

ORDER:

There is no representation on behalf of the petitioner.

The prayer sought in the writ petition is as under:

“... to issue writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents 1 and 2 in not dispose the petitioner representation for conducting identification parade with the accused No.7 to 9 on the file of XII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad is arbitrary, in violation of principles of natural justice and consequently direct the respondents conduct identification parade with the accused No.7 to 9 on the file of XII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad is arbitrary, in violation of principles of natural justice.”

Learned Government Pleader appearing for the respondents submits that the 1st respondent filed counter affidavit disputing the allegations made against them in the affidavit filed in support of the writ petition and contended that earlier the petitioner filed writ petition being W.P.No.22212 of 2011 seeking a direction to the Additional Commissioner of Police, Co-ordination City, Hyderabad, to conduct test of identification parade. Pursuant to the directions given by the Court an identification parade was conducted on 07.12.2011 and the matter was directed to be referred to Additional Commissioner of Police Crimes and SIT, Hyderabad, to monitor the case and submit the progress report. Pursuant thereto, reports were filed on 06.01.2012, 19.01.2012 and 15.02.2012. After completion of investigation a charge sheet was filed on 05.03.2012 showing accused Nos.1 and 7 to 10 as absconding and sought issuance of NBWs against them. The Investigating Officer put his efforts and arrested accused No.1 and remanded to judicial custody on 22.03.2012. Accused Nos.7 to 10 surrendered before the XII Additional Chief Metropolitan Magistrate, Nampally, on 02.07.2012 and they were remanded to judicial custody. On the complaint of the petitioner, he was advised to file complaints in the respective police stations since the accused persons, their sons and others are making threatening calls. It is specifically mentioned in the counter affidavit that the petitioner personally knows accused

No.7. Accused Nos.8 and 9 are the sons of accused No.1 and brothers-in-law of the petitioner. Thus, the petitioner personally knows accused Nos.7 to 9. Accused Nos.7 to 9 are the conspirators in the case, but they have not participated physically in the crime. Since accused Nos.7 to 9 are the close relatives of the petitioner and he knows them personally, there is no necessity for conducting their test identification parade. Though a counter affidavit is filed by respondent No.1 giving specific details, the petitioner, to rebut the same, has not filed any reply affidavit.

Having regard to the said facts, this Court is of the opinion that no further cause would survive in the writ petition and the writ petition is accordingly closed. No order as to costs.

Miscellaneous petitions, if any, shall also stand closed.

P. KESHAVA RAO, J

Date: 03.09.2019.
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