

HONOURABLE SRI JUSTICE P.KESHA RAO

W.P.No.15638 of 2010

ORDER:

Heard learned counsel for the petitioner.

The prayer sought in the present Writ Petition is as under:

“... to issue an appropriate writ order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in killing the deceased viz., Cherukuri Rajkumar @ Azad and unidentified dead body suspecting to be Pulluri Prasad Rao @ Chandranna in the name of fake encounter as being illegal, arbitrary, unconstitutional and violative of Right to Life and personal liberty and consequently, to direct the respondents herein to register a criminal case of culpable homicide against the police personnel who involved in the extra judicial killing and to entrust the matter to the independent investigating agency and to grant such other relief or reliefs as this Hon’ble Court deems fit and proper in the circumstances of the case.”

Counter-affidavit is filed on behalf of respondent Nos.1 to 4 and 11. A perusal of the counter-affidavit would indicate that pursuant to the directions of the Hon’ble Supreme Court, the investigation was taken over by the Central Bureau of Investigation (C.B.I.) in the subject matter of the Writ Petition and the same was registered as a case in R.C.No.14(S)/2011-CBI/Hyderabad, under Section 120-B read with Section 302 I.P.C. and the Superintendent of Police, C.B.I., Hyderabad, addressed a letter, dated 19.5.2011, to the S.D.P.O., Jagtial, Karimnagar District, directing him to handover all the files, material objects, viz., video cassettes, arms and ammunitions, weapons, empty cases of cartridges, personal belongings, photographs, inquest report, post-mortem report, etc., along with the C.D. file of Crime No.40 of 2010 of Wankidi Police Station, Adilabad District. A similar memo vide C.No.123/Camp/ 2011, dated 20.5.2011, was also issued by the Deputy Inspector

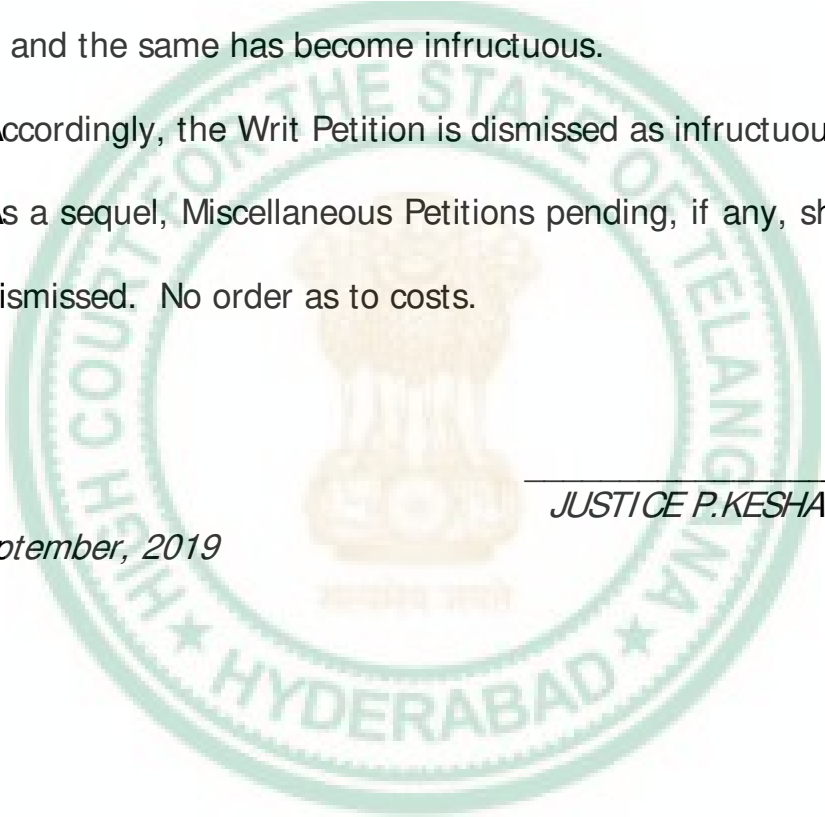
General of Police, Karimnagar to the Sub-Divisional Officer, Jagtial, directing him to handover the CD file in Crime No.40 of 2010 of Wankidi Police Station of Adilabad District to the C.B.I. officials under proper acknowledgment immediately. Accordingly, the entire records were handed over to the C.B.I.

In the light of the above said statements made in the counter-affidavit, learned counsel for the petitioner informs this Court that no further cause would survive for adjudication in the present Writ Petition and the same has become infructuous.

Accordingly, the Writ Petition is dismissed as infructuous.

As a sequel, Miscellaneous Petitions pending, if any, shall also stand dismissed. No order as to costs.

09th September, 2019
dr

A large, faint, circular watermark seal of the High Court of Andhra Pradesh, Hyderabad, is centered in the background. It features the text "HIGH COURT OF THE STATE OF ANDHRA PRADESH" around the top and "HYDERABAD" around the bottom, with a central emblem.
JUSTICE P.KESHAVA RAO