

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No. 17152 OF 2019

ORDER :

This writ petition is filed for the following relief;

“... to issue Writ of *Mandamus* or any other appropriate writ, order or direction declaring the action of the 4th respondent in filing Charge Sheet in Cr.No.130/2018 of Mulkanoor P.S., Warangal (U) District under Sections 290, 323, 324 R/w.34 of IPC diluting the gravity of the offence committed by the accused despite clear evidence as illegal and arbitrary and consequently direct him to file the Addl.Charge Sheet adding the provisions of Sections 322, 447, 327, 509 and 354 R/w.34 of IPC to the existing Sections of law which the charge is made and pass such other order or orders as deemed fit and proper in the circumstances.”

Learned Assistant Government Pleader for Home produced written instructions dt.16.08.2019 submitted by the Sub-Inspector of Police, Mulkanoor P.S., Warangal District.

To the extent of their relevance to the present writ petition, the said instructions read as under:

“ It is submitted that during the course of investigation, Notice U/s.41-A Cr.P.C was issued to the accused A-1 to A-4, A-6 to A-14, further obtained medical report of LWs.1, 3, 5 to 7, wherein it was disclosed that they sustained simple injuries, and the LW-4 sustained grievous injury. As such altered the section of law from 324, r/w.34 IPC to 290, 323, 324, 325, r/w.34 IPC. During the course of investigation the complainant filed a suit before Prl.Junior Civil Judge, Husnabad, vide O.S.No.147/2018,

wherein the Hon'ble Court granted status quo order on 28.08.2018, as such the concerned department did not submit the survey report, as such it was not concluded as to who trespassed into the above land and after obtaining report from the concerned department, section will be added if necessary and a supplementary charge sheet will be filed.

It is submitted that the investigation done clearly established that the accused came to the house of LW-1 and beat them with sticks and caused bleeding injuries to them. That the whole incident was recorded in CCTV camera of the house of LW-1. That after completion of investigation, charge sheet was filed and case was numbered as C.C.No.109/2019 on the file of Judl.Magistrate of First Class, Husnabad.”

Since the respondents-police state that they will file necessary charge sheet after completion of the investigation, recording the aforesaid written instructions, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

23.08.2019
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