

THE HONOURABLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.20908 of 2010

ORDER:

There is no representation on behalf of the petitioner.

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

“...to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus directing the respondent to follow the guidelines issued in the share of executive instructions (a) Circular Memorandum No.3241/Pol-B/85-26, dt.08.10.1985 (b) Rc.No.1567/M1/92, dated.20.08.1992 (c) Circular Memorandum No.1627/M1/92 dt.10.09.1992 (d) Circular Memorandum No.1618/M1/94, dt.08.08.1994 (e) Memorandum No.23554/General B/A2/96-1, dt.19.07.1996 and (f) Memorandum Rc.No.2953/C4/99 dt.7.6.99 issued by the Govt. of A.P., Home Dept., and Director General of Police, A.P., to declare the action of the respondent in not following the procedure as contemplated under Section 100 and 160 Criminal Procedure Code at the time of seizure and relevant cases concerning is illegal, violate of principles of natural justice, arbitrary and also violate of Article 19(i)(g), 21 and 300-A of Constitution of India, consequently direct the respondent to follow the due process of law as contemplated under Section 100 and 160 Criminal Procedure Code and strictly follow the guidelines issued by the Honourable Supreme Court of India, while dealing with me in matters relating to stolen property, and pass such other and further order or orders as are deemed fit and proper in the circumstances of the case.”

3. The basic grievance of the petitioner is that the respondent police is not following the guidelines issued by the Government in the Circular Memorandum No.3241/Pol-B/85-26, dated 08.10.1985, Rc.No.1567/M1//92, dated 20.08.1992, Circular No.1627/M1/92, dated 10.09.1992, Circular Memorandum No.1618/M1/94, dated 08.08.1994, Memorandum No.23554/General B/A2/96-1, dated 19.07.1996 and Memorandum Rc.No.2953/C4/99, dated 07.06.1999 issued by the Government of Andhra Pradesh, Home Department and Director General of Police, Andhra Pradesh, as contemplated under Sections 100 and 160 Cr.P.C., at the time of seizure, as arbitrary and illegal.

4. Respondent No.2 filed a counter-affidavit denying the allegations made in the affidavit filed in support of the writ petition and contended *inter alia* that on the complaint of one Mr.Govinda Rao, a case in Crime No.340 of 2009 for the offences under Sections 457 and 380 IPC was registered on the file of the Osmania University Police Station, as some unknown offenders entered into the house and committed theft of gold ornaments. Subsequently, the said crime was transferred to Central Crime Station (CCS), Hyderabad, and the same was re-numbered as Crime No.20 of 2010 for the same offences on the file of the CCS, East Zone Team (Detective Department), Hyderabad and investigated into. During the course of enquiry, it was revealed that one Mr.Rayala Ravi S/o.Chandraiah, R/o.Lalaguda, Hyderabad, was arrested by the Investigating Officer of CCS in

connection with Crime No.20 of 2010 and was thoroughly interrogated by them. He confessed that he sold the gold ornaments to the petitioner. Basing on his confession, gold articles i.e., one gold chain with locket, two bangles, four finger rings and two pairs of ear tops, weighing 80 grams, were seized under the cover of panchanama. From this, it is evident that the petitioner is a stolen property receiver and required in connection with Crime No.20 of 2010. It is further stated that on the complaint of Dr.K.Venu Gopal Reddy, a case in Crime No.210 of 2010 for the offences under Sections 454 and 380 IPC was registered on the file of the Osmania University Police Station on 13.07.2010 as some un-known offenders entered into complainant's house and committed theft of gold ornaments worth Rs.45,000/-. During the course of investigation, the accused confessed that he sold gold ornaments pertaining to Crime No.210 of 2010 to the petitioner herein. On his confessional statement, the Police of Osmania University along with the accused-Mr.Rayala Ravi visited the petitioner's shop and enquired into the matter. The petitioner herein denied of receiving the stolen property from the above named accused. Thereupon, the respondent police returned from the shop of the petitioner without recovering any stolen articles. Except for the purpose of investigation in Crime No.210 of 2010, the respondent police never harassed the petitioner at any point of the time. It is specifically mentioned in the counter-affidavit that the respondent police strictly followed the guidelines issued by the Government. However, to prevent the police from taking any action

in future, the petitioner has come up with the present writ petition with baseless allegation. In the absence of registration of any crime on the file of the Osmania University Police Station against the petitioner, summoning the petitioner to the Police Station does not arise. On the enquiries made by the 2nd respondent with CCS revealed that on the confessional statement of One Rayala Ravi in Crime No.210 of 2010, gold ornaments were recovered from the petitioner herein. To escape from other criminal cases if any registered against his name in any police station in twin cities, as a precautionary measure, the petitioner rushed to this Court and filed the present writ petition only to gain sympathy of this Court.

5. Though counter-affidavit is filed by the 2nd respondent, no reply affidavit is filed rebutting the contentions raised therein. Therefore, the averments made in the counter-affidavit are deemed to be admitted.

6. In these circumstances, this Court is of the opinion that there are no merits in the writ petitioner and the same is liable to be dismissed.

7. Accordingly, the writ petition is dismissed.

Miscellaneous petitions pending, if any, shall stand dismissed.

No costs.

6th November 2019

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P. KESHA VA RAO, J