

THE HONOURABLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.9718 of 2010

ORDER:

Heard learned counsel for the petitioner as well as the respondents.

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

“... to issue a Writ or order or direction more particularly one in the nature of writ of Mandamus, declaring as illegal and arbitrary, the action of the 5th respondent in implicating and getting implicated, the petitioner in 23 crimes in 10 different Police Stations in three different Districts of Warangal, Mahabubnagar and Nalgonda, as shown in Exhibit P.1 material paper and it is further consequentially prayed that this Hon’ble Court may be pleased to transfer all the said 23 Crimes shown in Exhibit P.1 to the 3rd respondent – C.I.D. for proper investigation on scientific lines and proper charge sheets and to initiate appropriate action against the 5th respondent pass such other order or orders as this Hon’ble Court deemed fit and proper in the circumstances of the case.”

3. This Court on 27.04.2010 directed the 18th respondent to investigate into the accident in question by examining Sri Ramavath Pandu and other material witnesses and submit a report to this court within a period of four weeks. It is brought to the notice of this Court by both the counsel that in compliance with the order, dated 27.04.2010, a copy of the report was placed before this Court. On 12.11.2013, this Court directed the Anti Corruption Bureau (ACB) to

file an affidavit explaining the reasons for arriving at the conclusions in the report submitted to this Court. In compliance with the said order, the 18th respondent filed an affidavit of the Inspector of Police, Central Investigation Unit, ACB, Hyderabad.

4. From the perusal of the said affidavit, it is revealed that the case registered by the 18th respondent against the 5th respondent is not a fit case for conducting prosecution before the competent Court as the allegations mentioned were not substantiated beyond reasonable doubt. It was also felt that the writ petitioner approached this Court with unsubstantiated facts, for which it was recommended to drop further action. As per the procedure, a copy of the final report was sent to Government of Andhra Pradesh, Hyderabad, on 09.09.2010. After careful examination and consideration of the facts, the Government of Andhra Pradesh, Hyderabad, issued orders dropping further action against the 5th respondent, vide memo No.1160/SC.A/A3/2010-1, dated 04.08.2011. It is further mentioned in the affidavit that it is a settled legal position that in the absence of any corroboration or proof about the aspect of demand by the public servant, the same cannot be proved beyond reasonable doubt and the accused would be entitled for acquittal. In the affidavit it is also stated in para 6 that the reasons for withdrawal of the prosecution are not substantiating the allegation of the prosecution beyond reasonable doubt with reference to case law of this Court and the Apex Court.

5. In that view of the matter and in the light of the report as well as affidavit submitted by the 18th respondent, this Court is of the opinion that no further cause would survive in the writ petition.

6. Accordingly, the writ petition is closed.

As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

29th November 2019

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P. KESHA VA RAO, J

