HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF MAY
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION NO: 10045 OF 2019

Between:

Kota Janardhan, S/o.Balaraju, Aged 34 years Occ. Auto Driver, R/o.D.No.1-7-306, R.B.Nagar, Bhuvanagiri Town, Yadadri Bhuvanagiri District- 508117
...PETITIONER

AND

1. The State of Telangana, Rep.by its Principal Secretary, Home Department, Secretariat Buildings, Hyderabad.
2. The Commissioner of police, Rachakond, T.S.
3. The Deputy Commissioner of Police, Yadadri Bhongir Zone, Rachakonda, T.S.
4. The Asst. commissioner of Police, Bhongir Division, T.S.
5. The Superintendent of Police, Railway Secunderabad District, T.S.
6. The Station House officer,, P.S. Police Station Bhongir Town, Rachakonda, T.S.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue appropriate Writ, order or direction more one in the nature of writ of mandamus declaring the inaction of the Respondents in referring the case vide Crime No.389/2017 of Bhongiri town to CBI (Central Bureau of Investigation) for Proper investigation is illegal, unlawful, unjust and contrary to law and against the principles of natural justice and consequently to direct the Respondents to consider the representation of the petitioner dated 13-4-2019 in the interest of justice

IA NO: 1 OF 2019

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents to consider the representation of the petitioner dated 13-4-2019 in the interest of justice

Counsel for the Petitioner: SRI K. GANI REDDY

Counsel for Respondents: GP FOR HOME

The Court made the following: ORDER

HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION NO.10045 OF 2019

ORDER:

The present writ petition is filed under Article 226 of the Constitution of India for issuance of a *Writ of Mandamus* to declare the inaction of the respondents in referring the case, vide Crime No.389 of 2017 of Bhongir Town Police Station to the Central Bureau of Investigation (CBI) for proper investigation, as being illegal, unlawful and unjust.

2. The above case is taken up for hearing today through video conferencing.

3. Heard the learned counsel for the petitioner and the learned the learned Assistant Government Pleader for Home appearing for the respondents.

4. The learned counsel for the petitioner while reiterating the writ averments submits that the death of his brother was a clear case of murder by some unknown persons and not a case of accident as being sought to be projected by the authorities concerned, merely because the dead body of the petitioner's brother was found near the railway track. Further, it is claimed that the petitioner has also given the names of suspects with whom the petitioner's family had rivalry and the police did not register the case against the said persons and investigation has also not been done in proper manner and therefore submits that the case in Crime No.389 of 2017 should be transferred

from the Bhongir Town Police Station to CBI for the deceased family members to have satisfaction that proper investigation has been done with regard to cause of death of the petitioner's brother.

5. The learned Assistant Government Pleader for Home submits that the above said case was investigated into without any bias and the involvement of suspects named by the petitioner has also been considered by the authorities and having regard to the fact that the dead body of deceased was found near the railway track, the case was transferred to the 5th respondent railway police authority, who thereafter conducted investigation and filed a final report on 05.04.2019 before the concerned Executive Magistrate. It is also submitted that intimation of filing of final report has also been given to the petitioner under due acknowledgement.

6. The learned Assistant Government Pleader for Home further submits that if the petitioner is aggrieved by the said final report filed in the matter, it is always open for the petitioner to file a protest petition before the concerned Magistrate seeking further investigation in the matter.

7. Having regard to the above said submissions, since a final report has been filed on 05.04.2019 in the said Crime No.389 of 2017 and intimation also being given to the petitioner, it is open for the petitioner to approach the concerned Magistrate by availing remedies in accordance with law, if the petitioner is aggrieved by such final report filed in the matter and pursue such remedies available to him.

Instead of availing such remedy, the petitioner chose to file the present writ petition seeking for transfer of the case from Bhongir Town Police Station to CBI on the ground that investigation has not been properly conducted. The apprehension of the petitioner that the police authorities are not conducting proper investigation in the crime is incorrect and also ill-founded for the reason that investigation of the said case has already been transferred by the 6th respondent authority to the 5th respondent (railway police) authority at Hyderabad, who thereafter completed investigation and having filed a final report, the basis for petitioner seeking transfer of case to CBI for proper investigation is taken of since, it is a different authority other than 6th respondent (against whom the petitioner has apprehensions of not conducting proper investigation), who conducted investigation in the matter.

8. Having regard to the fact that the final report is already filed, it is open for the petitioner to approach the concerned authority and avail the remedies in accordance with law.

9. Subject to the above observation, the writ petition is disposed of. No order as to costs.

10. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

SD/-B.SATYAVATHI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,
1. The Principal Secretary, Home Department, State of Telangana Secretariat Buildings, Hyderabad.
2. The Commissioner of police, Rachakond, T.S.
3. The Deputy Commissioner of Police, Yadadri Bhongir Zone, Rachakonda, T.S.
4. The Assistant Commissioner of Police, Bhongir Division, T.S.
5. The Superintendent of Police, Railway Secunderabad District, T.S.
6. The Station House officer,, P.S. Police Station Bhongir Town, Rachakonda, T.S.
7. One CC to Sri K Gani Reddy Advocate [OPUC]
8. Two CCs to GP For Home, High Court for the State of Telangana. [OUT]
9. Two CD Copies

MBC
JM

HIGH COURT

DATED: 11/05/2020



ORDER

WP.No.10045 of 2019

DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

11

D/- 21/5/2020.