

THE HONOURABLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.33482 of 2014

ORDER:

Heard learned counsel for the petitioners as well as learned Government Pleader appearing for the respondents 1 to 4.

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

“...to issue an appropriate Writ, Order or Direction, one in the nature of Writ of Mandamus declaring the action of the respondent no.5 & 6 herein harassing the petitioners herein and their family members illegally and unconstitutionally while discharging public duties and inaction of the respondent no.4 herein considering the complaint dt.2.11.2014 seeking enquiry against the respondent no.5 & 6 herein and provide the protection to the petitioners herein from the threat of respondent no.5 & 6 herein and to pass such other order or orders as this Hon'ble Court may deem fit just and proper in the circumstances of the case.”

3. Learned Government Pleader placed on record the written instructions issued by the 2nd respondent-Station House Officer, Tandur Police Station, Adilabad District.

4. From a perusal of the said written instructions, it is revealed that one Sri Bangalore Sungamurthy, Shamsunder, who are the Engineers of Karnataka Power Corporation Limited, Karnataka State, approached the respondent police and lodged a complaint on 23.08.2014 stating that their Liaison Officer-Sri PSM Andrews came to know that on 19.08.2014 the coal being dispatched by M/s.Anand Transport Private Limited, who was authorized coal transporting agency for transporting coal from SCCL loading points to Rechini Siding to Raichur Thermal Power Station by road cum railway basis is being diverted by manipulating the NOC.No.924 dated 17.08.2014 issued by the SCCL for dispatch of coal from Rechini Siding to

Raichur Thermal Power Station. It is further stated in the complaint that the office of the General Manager, SCCL, Bellampalli, that the NOC No.924, dated 17.08.2014, issued in the name of KPCL has been handed over to Sri Lakshminarayana of M/s.Anand Transport Private Limited. The subject NOC has been manipulated by M/s.Anand Transport Private Limited and tried for theft of coal meant for KPCL. Therefore, he requested the respondent police to take necessary action. Pursuant to the said complaint, a case in Crime No.92 of 2014 for the offences under Sections 471, 420 and 37 read with 511 IPC was registered on the file of the Tandur Police Station on 23.08.2014 and investigation was taken up. During the course of investigation, the Investigating Officer examined the complainant and other witnesses and recorded their detailed statements. The witnesses viz., Y.Krishna Murthy Raja and Hanmakonda Srinivas, categorically stated that the petitioners herein committed the offence along with the main accused (A.1)-Mr.P.lakshminarayana. It is further mentioned in the written instructions that at the first instance the names of the petitioners were not shown as accused column in the F.I.R. But, during the course of investigation, the names of the petitioners were disclosed. It is also mentioned that in the course of investigation, the SO to GM of Singareni Collieries Company Limited has also involved in manipulation of the NOC. The respondent police is also going to take steps against him. On coming to know about their involvement, the petitioners filed the present writ petition with a malafide intention, more particularly to escape from the criminal liability. It is also

further mentioned in the written instructions that there is ample evidence collected during the course of investigation that the petitioners have committed the offences along with other accused. Therefore, the Investigating Agency was trying to apprehend the petitioners by following the due procedure. To divert the attention of the Investigating Agency in not conducting the investigation of the case in a fair and proper manner, the petitioners filed the present writ petition in order to gain sympathy of this Court. The further enquiries made by the respondent police also revealed that no complaint purported to have lodged by the petitioners were received by the 2nd respondent. However, the petitioners are required in connection with the above said crime and their involvement is being enquired during the course of investigation of the statements of the witnesses. When this Court passed interim orders at the admission stage, there is every chance that the petitioners i.e., alleged accused in F.I.R. may tamper evidence and gain over the witnesses.

5. In the light of the specific instructions, this Court is of the opinion that no further cause would survive in the writ petition and the same is devoid of merits.

6. Accordingly, the writ petition is dismissed. No order as to costs.

Miscellaneous petitions pending, if any, shall stand dismissed.

2nd January 2020
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P. KESHA VA RAO, J