

HON'BLE SRI JUSTICE K. SREENIVASA REDDY

Writ Petition No.2562 of 2023

Order:

This Writ Petition is filed to declare the action of respondents 4 and 5 in not transferring Crime No.10 of 2007 and clubbing with Crime No.119 of 2008 of Nellore IV Town Police Station, SPSR Nellore district, in view of Memo No.479/5C-B/2007-1, dated 26.08.2008 issued by respondent No.1 and in view of interim order passed by this Court in W.P.No.10405 of 2014, dated 03.04.2014, as illegal and arbitrary.

2. Heard learned counsel for the petitioners and Ms.Y.L. Siva Kalpana Reddy, learned Standing Counsel for CID.

3. The grievance of the petitioners herein is that the case in Crime No.10 of 2007 of CID PS, Hyderabad, was registered for the offences punishable under Sections 385 and 420 IPC and Sections 4, 5 and 6 of the Prize, Chits and Money Circulation Schemes (Banning) Act, 1978, which was subsequently transferred to CBCID Police Station, Mangalagiri, Guntur district, due to bifurcation of State. Even though the said case was registered in the year 2007, till date the police have not apprehended the accused and since multiple complaints were filed in respect of same business transactions the present crime be clubbed with Crime No.119 of 2008 of Nellore IV Town Police Station, SPSR Nellore district, as per the directions of this Court.

4. Ms.Y.L. Siva Kalpana Reddy, learned Standing Counsel appearing on behalf of CID, on instructions, submitted that in the above crime entire investigation is over and since the accused are absconding the police are not in a position to file charge sheet. She also submitted that earlier a charge sheet was filed and the same was returned for want of presence of accused.

5. When the entire investigation is over, merely because of arrest of the accused, charge sheet cannot be returned.

6. In view of the aforesaid facts and circumstances of the case, without going into the merits of the case, this Court deems it appropriate to dispose of the Writ Petition with a direction to the respondent police to file charge sheet in the above crime without taking any coercive steps against the petitioners herein. However, the petitioners herein shall appear before the Investigating Agency as and when required and cooperate for speedy disposal of the case.

7. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

8. As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

K. SREENIVASA REDDY, J.

Date:25.07.2023
Nsr

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