



**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI
(SPECIAL ORIGINAL JURISDICTION)**

**MONDAY, THE TWENTY SIXTH DAY OF JUNE
TWO THOUSAND AND TWENTY THREE**

:PRESENT:

**THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY
AND
THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO
WRIT PETITION NO: 4480 OF 2023**

Between:

Smt. Bantakunta Saraswathi, W/o. B. Raghu, aged about 30 years, Hindu, House
Wife, H.No. 1/34, Mantralayam Village and Mandal, Kurnool District.

Petitioner

AND

1. The State Of Andhra Pradesh, Repby its Principal Secretary, Home Department, Secretariat, Amaravathi, A.P.
2. The Director General and Inspector General of Police, Andhra Pradesh, Amaravathi, Mangalagiri, Guntur District.
3. The Superintendent of Police, Kurnool, Kurnool District.
4. The Station House Officer, Mantralayam Police Station, Mantalayam, Kurnool District.

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 a writ, order or direction more particularly one in the nature of WRIT OF HABEAS CORPUS, directing the respondents to produce petitioners husband Bantakunta Raghu, S/o. B. Lakshmanna, age 33 years, R/o. Mantralayam, Kurnool District, before this Honble High Court and set him at liberty.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Butta Vijaya Bhasker Advocate for the Petitioner, Learned Advocate General for the Respondents, the Court made the following.

ORDER

“On the report lodged by the petitioner that her husband was found missing, initially an F.I.R was registered as man missing case. As per the counter- affidavit that was filed by the State, it is stated that he got an illegal intimacy with one women by name Besta Lakshmi and that her three brothers by name Besta Raghu, Besta Ramakrishna and Besta Gururaju, attacked him and caused injuries to him and that thereafter the F.I.R. was altered from man missing to commission of offences punishable under Sections 323, 367 r/w 34 of the Indian Penal Code, 1860 (for short "I.P.C") against the said three persons showing them as A-1 to A-3 and that they were arrested in connection with the said crime and they were remanded to judicial custody.

However, till now they could not trace the whereabouts of the said person. Now, learned Government Pleader would submit, on instructions, that the police are suspecting that he is no more. If that be the case, a crime under Section 302 of I.P.C. has to be registered and investigated. The aforesaid events that are brought to the notice of the Court and the counter-affidavit that was filed clearly indicates the casual approach that the police are adopting in a serious matter, where it is suspected that the said missing person was murdered. The Court seriously deprecates the conduct of the police in dealing with the case in a casual manner. No case under Section 302 of I.P.C. was also registered till now.

Therefore, learned Government Pleader is directed to file a detailed affidavit narrating the events and making it clear whether the said person is alive or not and if not why a case under Section 302 of I.P.C was not registered. The said affidavit has to be filed by the next date of hearing.

The 4th respondent-Station House Officer of Mantaralayam Police Station, who is investigating the case, shall attend the Court on that day to explain the stage of the investigation.

List the matter on 12.07.2023."

Sd/- S. SRINIVASA PRASAD
ASSISTANT REGISTRAR

//TRUE COPY//

For /

SECTION OFFICER

To,

1. The Station House Officer, Mantralayam Police Station, Mantalayam, Kurnool District. (BY SPEED POST)
2. The Principal Secretary, Home Department, State Of Andhra Pradesh, Secretariat, Amaravathi, A.P.
3. The Director General and Inspector General of Police, Andhra Pradesh, Amaravathi, Mangalagiri, Guntur District.
4. The Superintendent of Police, Kurnool, Kurnool District. (2 to 4 by RPAD)
5. One CC to Sri Butta Vijaya Bhasker Advocate [OPUC]
6. Two CCs to Advocate General, High Court of AP [OUT]
7. Two spare copies.

RVK

HIGH COURT

CMRJ & TRRJ

DATED:26/06/2023

LIST THE MATTER ON 12.07.2023

ORDER

WP.No.4480 of 2023

DIRECTION

