

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI
(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF NOVEMBER

TWO THOUSAND AND TWENTY FOUR

: PRESENT:

THE HONOURABLE SRI JUSTICE B V L N CHAKRAVARTHI

WRIT PETITION NO: 2256 OF 2024



Between:

1. Karanam Raghava Rao
S/o Subba Rao, aged about 68 years,
Dr.No.35-065-432, Rahul Residency,
ZPE Colony, Lawyerpet, Gandhinagar,
Ongole, Prakasam District

...Petitioner

AND

1. State of Andhra Pradesh
Rep by its Principal Secretary,
Department of Home Affairs
Secretariat Buildings, Amaravati
Guntur District
2. Director General of Police
State of Andhra Pradesh
Police Headquarters, Mangalagiri
Guntur District
3. Commissioner of Police
Vijayawada
4. Inspector of Police
Machavaram Police Station
Vijayawada
5. Union of India, Ministry of Home Affairs
Rep by Its Secretary,
North Block, New Delhi
6. Central Bureau of Investigation
Rep by its Director,
Plot No 5B, VI Floor, CGO Complex,
Jawaharlal Nehru Stadium Marg,
Lodi Road, New Delhi - 110 003
7. Joint Director,
Central Bureau of Investigation

(14)

D.No.1-83-21/4, M.V.P Colony
Sector-8, Visakhapatnam – 530017

8. Korada Vijay Kumar @ Vijay, S/o Ramamohanrao,
Hindu, Aged about 55 years, R/o D.No.41-21/4-28,
Brahamrambapuram, Krishnalanka, Vijayawada
9. Koganti Satyanarayana, @ Satyam S/o Ramaiah
Hindu, Aged about 64 years, D.No.41-1-63,
Gangannamm Temple Street, Krishna Lanka, Vijayawada
Now R/o D.No.54-14/8-25/6A, Plot No.7, Road No.7
Bharati Nagar, Vijayawada
10. Smt.Chagarla Gayatri W/o Prasada Rao, Hindu
Aged about 58 years, D.no.59-7-1/1B, Maithri Residency
Gayatri Nagar, Vijayawada
11. Sanagala Srinath @ Seethaiah S/o Krishna Rao
Hindu, Aged about 40 years, High School Road
G-Konduru Village and Mandal, Krishna District
12. Desetti Babu Rao, S/o Adi Narayana, Hindu,
Aged about 41 years, D.No.41-23-69, Bhramrambhapuram
Krishna Lanka, Vijayawada
13. Kilaru Ananth Satyanarayana, S/o Nukaraju, Hindu
Aged about 54 years, D.no.30-1-15,
Mallela Srimamurthy Street, Durga Agraharam,
Vijayawada
14. Mullapudi Raja Babu, S/o Veera Swamy, Hindu
Aged about 47 years, Ajay Tutions, Padavalarevu,
Gunadala, Vijayawada
15. Shaik Mahaboob Jani @ Jani, S/o Mahaboob KHasim,
Muslim, Aged about 31 years, R/o D.No.1141A,
Sandhya Swpnalok Apartments,
Near Ashok Kalyanamandapam, Nunna,
Vijayawada Rural Mandal
16. Karanam Ramesh, S/o Seethapadu, Hindu
Aged about 27 years, 4th Line,
Bavajipeta, Vijayawada

(15)

17. Katarapu Koteswara Rao @ Koti, S/o Bikshmaiah
Hindu, Aged about 33 years,
R/o Iswarya Apartments, 2nd Floor,
Chuttugunta, Vijayawada
18. Katarapu Gandhi Babu @ Gandhi, S/o James
Hindu, Aged about 36 years,
R/o D.No.75-12-13, Bank Centre
Bhavanipuram, Vijayawada
19. Nalluri Ravi Kanth,
S/o Nageswara Rao, Hindu, Aged about 46 years
D.NO.4-117, Old Post office Building,
Sai baba Temple
Nidamanuru Village
Vijayawada
20. Pilli Jagadish @ Jagan,
S/o Satyanarayana, Hindu, Aged about 34 years
Plot No.18 Block No.14, Vellampalli Colony,
HB Colony, Bhavanipuram,
Vijayawada
21. Korada Padmaja,
Hindu, Aged about 46 years
W/o Korada Vijay Kumar @ Vijay,
Hindu, Aged about 55 years, R/oD.No.41-21/4-28,
Brahamrambapuram, Krishnalanka, Vijayawada

... 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 an order, or direction or more particularly one in the nature of a Writ of Mandamus for not undertaking the investigation as required as unreasonable, not fulfilling their fiduciary duty resulting in grave lapses tantamount to violation of Article 14 and 21 of the Constitution and direct Respondent Nos.1 and 2 herein to the transfer of investigation to Central Bureau of Investigation (CBI) and, direct Respondents No. 6 and 7 to undertake a de novo or fresh investigation by the DIG level officer of CBI into aspects highlighted by the Petitioner and take all consequential steps/actions pertaining thereto.

IA NO: 1 OF 2024

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 Respondent No.1 to 4 to preserve items seized but not submitted to the Hon'ble Trial Court including the long hair, I-Phone charger wire, call records, bank and other documents, Pending disposal of WP No.2256 of 2024, on the file of the High Court.

IA NO: 2 OF 2024

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 stay all further proceedings in the S.C.No.178 of 2022 on the file of the Hon'ble VIII Additional District and Sessions Judge (FTC) at Vijayawada, Pending disposal of WP No.2256 of 2024, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Ananth S, Advocate for the Petitioner, and of GP for Home for the Respondent Nos. 1

to 4, and of Sri P.S.P Suresh Kumar, Learned Special Public Prosecutor for Respondent Nos. 6 & 7, the Court made the following.

ORDER

Learned counsel for the petitioner would submit that he filed discharge petitions in this matter.

Learned Assistant Government Pleader is instructed to get details of the said discharge petitions.

Sri P.S.P.Suresh Kumar, learned Special Public Prosecutor representing CBI sought time for resubmission.

Learned counsel for the petitioner would submit that the Accused No.12 filed discharge petition, vide CrI.M.P.No.223 of 2024 in S.C.No.178 of 2022 on the file of learned VII Additional and Sessions Judge, Vijayawada and the same is posted for consideration.

List on 29.11.2024.

Till then, there shall be interim stay of all further proceedings in CrI.M.P.No.223 of 2024 in S.C.No.178 of 2022 on the file of learned VII Additional and Sessions Judge, Vijayawada.

Registry is directed to print the name of Sri P.S.P Suresh Kumar, learned Special Prosecutor for CBI.

Sd/- K.TATA RAO
DEPUTY REGISTRAR

//TRUE COPY//


SECTION OFFICER
For ASSISTANT REGISTRAR

To,

1. The Principal Secretary, Department of Home Affairs, State of Andhra Pradesh, Secretariat Buildings, Amaravati Guntur District.
2. The Director General of Police, State of Andhra Pradesh Police Headquarters, Mangalagiri Guntur District
3. The Commissioner of Police, Vijayawada
4. The Inspector of Police, Machavaram Police Station Vijayawada
5. The Secretary, Ministry of Home Affairs, Union of India, North Block, New Delhi
6. The Director, Central Bureau of Investigation, Plot No 5B, VI Floor, CGO Complex, Jawaharlal Nehru Stadium Marg, Lodi Road, New Delhi - 110 003
7. The Joint Director, Central Bureau of Investigation D.No.1-83-21/4, M.V.P Colony Sector-8, Visakhapatnam- 530017
8. Korada Vijay Kumar @ Vijay, S/o Ramamohanrao, Hindu, Aged about 55 years, R/oD.No.41-21/4-28, Brahamrambapuram, Krishnalanka, Vijayawada
9. Koganti Satyanarayana, @ Satyam, S/o Ramaiah Hindu, Aged about 64 years, D.No.41-1-63, Gangannamm Temple Street, Krishna Lanka, Vijayawada Now R/o D.N0.54-14/8-25/6A, Plot No.7, Road No.7 Bharati Nagar, Vijayawada
10. Smt.Chagarla Gayatri, W/o Prasada Rao, Hindu Aged about 58 years, D.no.59-7-1/1B, Maithri Residency Gayatri Nagar, Vijayawada

11. Sanagala Srinath @ Seethaiah, S/o Krishna Rao Hindu, Aged about 40 years. High School Road G-Konduru Village and Mandal, Krishna District
12. Desetti Babu Rao, S/o Adi Narayana, Hindu, Aged about 41 years, D.No.41-23-69, Bhramrambhapuram Krishna Lanka, Vijayawada
13. Kilaru Ananth Satyanarayana, S/o Nukaraju, Hindu Aged about 54 years, D.no.30-1-15, Mallela Srimamurthy Street, Durga Agraharam, Vijayawada
14. Mullapudi Raja Babu, S/o Veera Swamy, Hindu Aged about 47 years, Ajay Tutions, Padavalarevu, Gunadala, Vijayawada
15. . Shaik Mahaboob Jani @ Jani, S/o Mahaboob KHasim, Muslim, Aged about 31 years, R/o D.No.1141A, Sandhya Swpnalok Apartments, Near Ashok Kalyanamandapam, Nunna, Vijayawada Rural Mandal
16. Karanam Ramesh, S/o Seethapadu, Hindu Aged about 27 years, 4 th Line, Bavajipeta, Vijayawada
17. Katarapu Koteswara Rao @ Koti, S/o Bikshmaiah Hindu, Aged about 33 years, R/o Iswarya Apartments, 2 nd Floor, Chuttugunta, Vijayawada
18. Katarapu Gandhi Babu @ Gandhi, S/o James Hindu, Aged about 36 years, R/o D.No.75-12-13, Bank Centre Bhavanipuram, Vijayawada
19. Nalluri Ravi Kanth, S/o Nageswara Rao, Hindu, Aged about 46 years D.NO.4-117, Old Post office Building, Sai baba Temple Nidamanuru Village Vijayawada
20. Pilli Jagadish @ Jagan, S/o Satyanarayana, Hindu, Aged about 34 years PlotNo.18 Block No.14, Vellampalli Colony, HB Colony, Bhavanipuram, Vijayawada

21. Korada Padmaja, Hindu, Aged about 46 years W/o Korada Vijay Kumar @ Vijay, Hindu, Aged about 55 years, R/oD.No.41-21/4-28, Brahamrambapuram, Krishnalanka, Vijayawada.
22. One CC to Sri Ananth S, Advocate [OPUC]
23. One CC to Sri P.S.P Suresh Kumar, Special Public Prosecutor [OPUC].
24. Two CCs to GP for Home (AP), High Court of Andhra Pradesh.
25. One spare copy

HIGH COURT

BVLNC, J

DATED: 26/11/2024

LIST ON 29.11.2024

ORDER

WP.No.2256 of 2024

INTERIM STAY

