

(SHOW CAUSE NOTICE BEFORE ADMISSION)
HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

THURSDAY, THE TWENTY SIXTH DAY OF APRIL TWO THOUSAND AND
EIGHTEEN

:PRESENT:
THE HONOURABLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION 14310 OF 2018

Between:

1. Khaja Nazeemuddin,, S/o. Sri Khaja Nazeeruddin Aged about 35 years, Occ. Business, Residents of H.No. 28-2-43/A/26, G.M. Colony, Chandrayangutta, Hyderabad.
2. Khaja Nizamuddin,, S/o. Sri Khaja Nazeeruddin Aged about 39 years, Occ. Business, Residents of H.No. 28-2-43/A/26, G.M. Colony, Chandrayangutta, Hyderabad.(Lw1 and Lw2 Both are injured persons as per charge sheet)

.....Petitioners

AND

1. The State of Telangana, Rep by its principal secretary Home department, Secretariat, Hyderabad.
2. The Commissioner of Police, Hyderabad, office at Basheerbagh, Hyderabad.
3. The Deputy Commissioner of Police, South Zone, Hyderabad.
4. The Deputy Commissioner of Police, Central Crime Station, Nampally, Hyderabad.
5. The Assistant Commissioner of Police, A. H. Team, CCS, DD, Hyderabad.
6. The Station House Officer, P.S. Chandrayangutta, Hyderabad
7. Faisal-bin Mannan Quledi @ Faisal Quledi,, S/o. Late Mannan Bin-Mohammed Quledi, Age about 24 years, Occ. Business, R/o. H.No. 18-2-36/1/29, GM Colony, Bandlaguda, Chandrayanagutta, Hyderabad. (Accused No.1 as per charge sheet)
8. Saleh-Bin-Thiriff,, S/o. Mohammed-Bin-Mubarak, Aged about 26 years, r/o. H.No. 18-10-28/6, Barkas, Chandrayanagutta, Hyderabad. (Accused No.2 as per charge sheet)
9. Salman-Bin-Abdul Rahman Quledi,, S/o. Abdul Rahman- Bin-Mohammed Quledi, Age about 24 years, Occ. Business, R/o. H.No. 18-2-36/1/29, GM Colony, Bandlaguda, Chandrayanagutta, Hyderabad. (Accused No.3 as per charge sheet)
10. Abdul Danish,, S/o. Late Abdul Lateef, Aged about 25 years, Occ. Salesman, r/o. H.No. 16-2-36/1/119, Ghazi Millat Colony, Bandlaguda, Hyderabad. (Accused No.4 as per charge sheet)
11. Abdullah-Bin Thiriff,, S/o. Ahmed-bi-Mubarak bin Thriff, Aged about 27 years, Occ. student, r/o. H.No. 18-1-24/1, Barkas, Chandrayanagutta, Hyderabad. (Accused No.5 as per charge sheet)
12. Azhar,, S/o. Mohd. Zaker, Aged about 25 years, Occ. Baba Bakery, r/o. Ghazi Millat Colony, Chandrayanagutta, Hyderabad. (Accused No.6 as per charge sheet)
13. Shoeb,, S/o. Abbas Hussain, Aged about 24 years, Occ. Student, r/o. Al Jubail Colony, Falaknuma, Hyderabad. (Accused No.7 as per charge sheet)

14. Zakir,, S/o Ayyub, Aged about 25 years, Occ.Salesman, r/o. Ghazi Millat Colony, Chandrayanagutta, Hyderabad. .(Accused No.8 as per charge sheet)
15. Hamed,, S/o. Late Syed Ali, Aged about 24 years, Occ. Salesman, r/o. Hafezbabanagar, Chandrayanagutta, Hyderabad.(Accused No.9 as per charge sheet)

.....Respondents

WHEREAS the Petitioner above named through their SRI Advocate A SURYANARAYANA presented this 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 appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the official respondents herein particularly the 5th respondent who is Lw19 in the charge sheet in not properly conducting the investigation of the matter on hand and filing lopsided charge sheet No. 123/2017 in PRC No. 6 of 2017 (New Crime No. 69 of 2016 dated 11/03/2013 on the file of 5th respondent corresponding to old crime no. 356 of 2014 on the file of 6th respondent) without properly completing investigation on sound principles of law and procedures thereby rendering the prosecution case impaired as being unjust, against procedures of criminal jurisprudence, arbitrary, unconstitutional and against the principles of natural justice and consequently to direct re-investigation of the case by entrusting the task of investigation to some other independent agency or state law enforcing body and to file additional charge sheet to appropriately plug the loop holes and lacuna which has already crept in the present charge sheet on record vide charge sheet No. 123/17 dated 20-04-2017 vide PRC No. 6 of 2017 on the file of Honorable XII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad and to grant;

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri A SURYANARAYANA Advocate for the Petitioner and Learned Government Pleader for Home (TG) who takes notice for the respondents 1 to 6, directed issue of notice to the Respondents 7 to 15 herein returnable in four (4) weeks to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Principal secretary Home department, State of Telangana, Secretariat, Hyderabad.
2. The Commissioner of Police, Hyderabad, office at Basheerbagh, Hyderabad.
3. The Deputy Commissioner of Police, South Zone, Hyderabad.
4. The Deputy Commissioner of Police, Central Crime Station, Nampally, Hyderabad.
5. The Assistant Commissioner of Police, A. H. Team, CCS, DD, Hyderabad.
6. The Station House Officer, P.S. Chandrayanagutta, Hyderabad
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15. Hamed,, S/o. Late Syed Ali, Aged about 24 years, Occ. Salesman, r/o. Hafezbabanagar, Chandrayanagutta, Hyderabad. (Accused No.9 as per charge sheet)

are directed to show cause as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted.

THE COURT MADE THE FOLLOWING ORDER:

Notice before admission.

Learned Government Pleader for Home (TG) takes notice for the respondents 1 to 6.

Issue notices to the respondents 7 to 15 returnable in four (4) weeks.

Learned counsel for the petitioners is also permitted to take out personal notice to the respondents 7 to 15 by registered post with acknowledgment due and file proof of service into the Registry.

Post after Summer Vacation, 2018 for counters and hearing.

SD/- CH. VENKATESHWAR
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Principal secretary Home department, State of Telangana, Secretariat, Hyderabad.
2. The Commissioner of Police, Hyderabad, office at Basheerbagh, Hyderabad.
3. The Deputy Commissioner of Police, South Zone, Hyderabad.
4. The Deputy Commissioner of Police, Central Crime Station, Nampally, Hyderabad.
5. The Assistant Commissioner of Police, A. H. Team, CCS, DD, Hyderabad.
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15. Hamed,, S/o. Late Syed Ali, Aged about 24 years, Occ. Salesman, r/o. Hafezbabanagar, Chandrayanagutta, Hyderabad. (Accused No.9 as per charge sheet) (1 to 15 by RPAD- along with a copy of petition and Affidavit)
16. Two CCs to GP FOR HOME (TG) ,High Court Of Judicature at Hyderabad. [OUT]
17. One CC to SRI. A SURYANARAYANA Advocate [OPUC]
18. One spare copy

HIGH COURT

MSRMJ

DATED:26/04/2018

POST AFTER SUMMER VACATION,
2018 FOR COUNTERS AND HEARING.



NOTICE BEFORE ADMISSION

WP.No.14310 of 2018

A handwritten signature in black ink, consisting of a large, stylized 'S' shape followed by a horizontal line.