

**THE HONOURABLE SRI JUSTICE V.ESWARAIAH**

**WRIT PETITION No :8464 of 2005**

**DATED:19-02-2007**

Bayina Kameswararao.

**..... PETITIONER**

**AND**

The Station House Officer,  
Police Station,  
Chodavaram,  
Visakhapatnam District & another .

**.....RESPONDENTS**

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**ORDER:**

Heard the learned counsel for the petitioner as well as the learned Government pleader for Home appearing for the respondents.

2. It is the case of the petitioner that based on his written representation, dated 05-01-200, before the 1<sup>st</sup> respondent-Station House Officer, Chodavaram police station, about the theft of the articles worth about Rs.15,000/- from his shop, Cr.No.4 of 2000 was registered by the 1<sup>st</sup> respondent for the offence under Section 380 IPC, but the 1<sup>st</sup> respondent has not informed the final outcome of the investigation.

3. This Writ petition has been filed on 12-04-2005, and the counter has been filed on 19-11-2005 stating that based on the representation of the petitioner the said case was investigated and the said representation was referred as 'false'. It is stated that the final report was also filed before the Additional Judicial First Class Magistrate, Chodavaram on 29-02-2000 but the same was filed without serving any notice for which the 1<sup>st</sup> respondent seeks to oblige him.

4. I am of the opinion that the police officials are not performing their statutory duties regarding the steps to be taken on the written representations about the commission of cognizable offences. In the instant case, admittedly, the report has been filed without issuing any notice to the complainant so as to enable him to take appropriate legal

steps either to contest the said final report or to file another private complaint.

5. Accordingly, the Writ Petition is dismissed with a liberty to the petitioner either to contest the said report or to file a private complaint before the concerned Magistrate for taking appropriate legal action against the concerned. No order as to costs.

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**V.ESWARAIAH,J**

19<sup>th</sup> February, 2007.

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