

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF APRIL
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.9464 of 2015

BETWEEN

Smt. Asha Mishra and another.

... PETITIONERS

AND

The State of Telangana, Rep. by its Principal Secretary, Home Department, Telangana Secretariat, Hyderabad and two others.

...RESPONDENTS

The Court made the following:

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ORDER:

Petitioners appear to be accused in Cr.No.337 of 2013 and they question the notice issued to them by the Assistant Commissioner of Police, Pet Basheerbad Division, under Section 41(A)(1) of the Criminal Procedure Code.

2. Learned counsel for the petitioners submits that though the petitioners have no grievance against the notice as such but they object to the last sentence in the notice viz. '*You have voluntarily confessed about this offence and admitted guilt and you have to appear before me within (03) days after receiving of this notice.*' Learned counsel for the petitioners states that the first petitioner has already given a detailed reply on 29.03.2015 stating that she has never admitted any such guilt and in fact, they have denied commission of any offence.

3. Since the petitioners are given a notice under Section 41(A)(1) Cr.P.C, it is for them to appear before the Assistant Commissioner of Police and record their statements including their contention that they have never admitted the guilt, as stated in the impugned notice.

The writ petition is disposed of giving liberty to the petitioners, as above. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

April 6, 2015

DSK