

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No. 22022 of 2016

ORDER :

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Home for the State of Andhra Pradesh appearing for the respondents.

At the request of both the counsel, the Writ Petition is being taken up for disposal at the stage of admission.

2. The prayer of the petitioners in this case is as under:

“...to issue a Writ or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents herein in harassing and threatening the Petitioners day in and day out for opening a rowdy sheet against the petitioners and calling frequently to the Police Station is illegal, arbitrary, contrary to the Police Standing Order No.742 and opposed to very spirit and object of the judgment of this Hon'ble Court reported in 2004 (1) ALD (CrI) 387 (AP) and for a consequential direction directing the Respondents not to harass the Petitioners under the threat of opening a rowdy sheet and calling the petitioners to the Police Station frequently pending Criminal trial and to pass...”

3. Admittedly, two cases came to be registered against the petitioners by third respondent under the Andhra Pradesh Gaming Act i.e. crime No.155 of 2004, which was subsequently numbered as C.C. No.11 of 2015 on the file of the Additional Judicial Magistrate of First Class, Gudivada, and crime No.176 of 2014, in which investigation is still pending. Though various grounds are

urged in the Writ Petition, learned counsel for the petitioners seeks a direction to the authorities not to summon the petitioners to police station and threaten them with opening a rowdy sheet. On the other hand, learned Assistant Government Pleader submits that case in crime No.176 of 2014 is pending investigation and the police shall follow the procedure established by law for summoning the petitioners to the police station.

4. There cannot be any dispute that police shall follow the procedure contemplated under law for summoning the petitioners to police station and they should be mindful of their powers and duties while summoning the petitioners to police station. Having regard to the circumstances of the case, the Writ Petition is disposed of directing the respondent No.3 not to summon the petitioners and detain them in the police station, without following the due process of law.

5. Miscellaneous petitions pending, if any, in the Writ Petition shall stand closed in the light of this final order. No order as to costs.

C.PRAVEEN KUMAR, J

11.07.2016

DRK

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