

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.44348 of 2016

ORDER:

This writ petition is filed seeking to direct the 2nd respondent to examine the petitioners in terms of notices issued to them by the 2nd respondent in Proceedings No.CBI/HYD/RC27(A)/2016, dated 16.12.2016, under Section 160 Cr.P.C. without taking any coercive steps pursuant to registration of RC 27(A)/2016-CBI-HYD, dated 03.12.2016, before the Police Station, CBI, Hyderabad District.

Heard and perused the material available on record.

The case of the petitioners is that on a written complaint made by the Sri A. Seshagiri Rao, Assistant Postmaster General, O/o. Chief Postmaster General (CPMG), Telangana Circle, Hyderabad, on 02.12.2016, alleging malpractice/abuse of official position by Sri K. Sudheer Babu, Senior Superintendent of Post Offices, Hyderabad City Division and others, wherein the said K. Sudheer Babu fraudulently exchanged the old currency notes of Rs.500/- and Rs.1,000/- denomination with new currency notes of Rs.2,000/- denomination to a tune of Rs.1.39 crores. Basing on the said complaint, the 2nd respondent registered a case in RC 27(A)/2016-CBI-HYD, dated 03.12.2016, for the offences under Sections 120-B read with 406, 409, 420, 477-A IPC and Sections 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988, against the said K. Sudheer Babu and others.

The grievance of the petitioners is that on 05.12.2016 at about 6.00 p.m., the officials of the Central Bureau of Investigation visited the house of the petitioners for the purpose of investigation

and they have not seized anything and subsequently, the 2nd respondent issued notices to the petitioners on 13.12.2016 under Section 160 Cr.P.C. instructing the petitioners to appear on 14.12.2016 at 10.00 a.m., at CBI Office, Koti, Hyderabad, for the purpose of answering certain questions relating to RC 27(A)/2016-CBI-HYD, but due to health problems, the petitioners could not appear before the 2nd respondent. The petitioners are apprehending arrest in the hands of the 2nd respondent under the guise of notices under Section 160 Cr.P.C.

Learned Assistant Solicitor General appearing for the 2nd respondent submitted that for the purpose of investigation only, the 2nd respondent has issued notices to the petitioners on 13.12.2016 under Section 160 Cr.P.C.

Considering the facts and circumstances of the case, the 2nd respondent is directed to scrupulously follow the conditions stipulated under Section 41-A Cr.P.C. and the guidelines laid down by the Apex Court in ***Arnesh Kumar v. State of Bihar and another***¹, before taking any coercive steps against the petitioners.

With the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

Date: 23rd December, 2016

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¹ 2014 (2) ALT (Gr.) 457 SC