

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

WRIT PETITION No.17254 OF 2017

ORDER:

The present Writ Petition, under Article 226 of the Constitution of India, is filed seeking to issue writ of mandamus declaring the action of the second respondent, in not following the procedure contemplated under Section 41A Cr.P.C., in spite of issuing legal notice in Cr.No.2 of 2017, dated 13.02.2017, as illegal and arbitrary.

2. Heard Sri J.M.Naidu, learned counsel for the petitioner, and the learned Assistant Government Pleader for Home.

3. The only request made by the petitioner is to direct the Station House Officer, Penumur Police Station, Chittoor District-second respondent to follow the procedure contemplated under Section 41A Cr.P.C.

4. Cr.No.2 of 2017, dated 13.02.2017, is registered by the Station House Officer, Penumur Police Station-second respondent, against the petitioner arraigning him as A1, as could be seen from the F.I.R., alleging the offences punishable under Sections 420, 471, 468 and 427 read with 34 IPC.

5. Learned counsel for the petitioner as well as the learned Assistant Government Pleader for Home are in agreement that none of the offences, alleged against the petitioner, are punishable with imprisonment exceeding seven years. In such an event, the second respondent is obligated with the duty to follow the procedure contemplated by the provisions of Section 41A Cr.P.C.

6. Therefore, the present Writ Petition is disposed of directing the Station House Officer, Penumur Police Station, Chittoor District-second respondent to follow the procedure inlaid by the provisions of Section 41A Cr.P.C. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this Writ Petition, shall stand closed.

A. SHANKAR NARAYANA, J

May 25, 2017.
Tsy/MD

