

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.7486 of 2017

ORDER:

Heard learned counsel for the petitioner/accused No.15 of crime No.32 of 2017 of Women Police Station, Mahabubnagar, registered for the offences punishable under Sections 494 & 498-A IPC and Sections 3 & 4 of Dowry Prohibition Act and also learned Public Prosecutor for the 1st respondent State and before ordering notice to the 2nd respondent-defacto complainant.

It is the contention of the learned counsel for the petitioner that the police has no jurisdiction to register the crime under Section 494 IPC, but for on complaint to take cognizance if at all. It is premature and it is not the stage of cognizance, but crime stage.

Having regard to the above, the Criminal Petition is disposed of and for other offences are cognizable, but for no offence is punishable more than 7 years punishment, the police shall follow strictly Section 41-A Cr.P.C. and guidelines of the expression of the Apex Court in **Arnesh Kumar Vs. State of Bihar**¹. The defence to the accused is left open.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 21.08.2017
ska

¹ 2014 (8) SCC 273