

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION NO. 15840 OF 2017

ORDER:

Heard learned counsel appearing for petitioner and the learned Standing Counsel for respondents.

This Writ Petition is filed challenging the action of the third respondent in trying to arrest the petitioner for non-compliance of the notices issued under Section 160 Cr.P.C., as contrary to Section 41A of Cr.P.C., and on the ground of failure of the petitioner to attend the enquiry as illegal and consequently direct the third respondent to investigate Crime No. 11 of 2016 without arresting the petitioner.

The petitioner is an accused in Crime No. 11 of 2016, which was registered on 2.7.2016 under Section 13(2) read with 13(1)(e) of Prevention of Corruption Act. On an earlier occasion, notice was issued under Section 41 Cr.P.C., to the petitioner and she complied with the said notice by attending the investigation on 24.12.2016.

Now the petitioner is working as D.M & H.O, Kurnool District and she, being the head of the District, has to attend several programmes initiated by the Government and in those circumstances, even though notice was issued under Section 160 Cr.P.C on 24.1.2017, she did not attend the investigation in view of the said programmes. Since the petitioner did not comply with the notices, she is apprehending arrest from the respondents. She also stated that

she filed an application for anticipatory bail before the Special Court in CrI.M.P.No. 58 of 2017 and the same was dismissed by order dated 20.02.2017. Questioning the same, petitioner filed CrI.P.No. 1673 of 2017 before this Court, seeking anticipatory bail and same was also dismissed on 17.3.2017. Petitioner further stated that due to lack of proper advice, she filed those applications. Now she states that she would cooperate with the investigation by appearing before the authority, who issued notices under Section 160 Cr.P.C.

In view of the undertaking given by the petitioner to appear before the third respondent, this Writ Petition is disposed of giving liberty to the petitioner to appear before the third respondent within one week from the date of receipt of a copy of this order, and as and when the petitioner appears before the third respondent, the third respondent shall follow due process of law. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, pending if any, shall stand closed.

A. RAMALINGESWARA RAO, J

DATE: 28.04.2017

KA