

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.437 of 2017

This Criminal Petition under Section-438 Cr.P.C. is filed by accused No.2 in Crime No.10 of 2017 of Neredmet Police Station, Rachakonda District to direct the Station House Officer, Neredmet Police Station to release him in the event of his arrest in connection with the above Crime registered for the offences punishable under Sections-295-A and 298 I.P.C.

The main allegation against the petitioner is that he is producer of a cinema exhibited a teaser in You tube, where the photo of Lord Venkateswara was thrown and some persons performed the Abhishekam on holy Shivalingam with cigarettes, beer and alcohol bottles which would attract the offences punishable under Sections-295-A and 298 I.P.C.

After arguing the matter for some time, learned counsel for the petitioner requested to issue directions to the Station House Officer, Neredmet Police Station to follow the procedure under Section-41 A I.P.C. and the guidelines issued in *Arnesh Kumar Vs. State of Bihar*¹.

This Court while dealing with an application filed under Section-438 Cr.P.C. cannot issue such directions, however, the Station House Officer, Neredmet Police Station is bound to

¹ 2014(2) ALT (CrI.)457(SC)

follow the guidelines issued in *Arnesh Kumar's* case (supra), otherwise it would amount to contempt. Hence, no separate direction need be given to follow the guidelines issued in *Arnesh Kumar's* case (supra).

With these observations, the Criminal Petition is disposed of.

JUSTICE M.SATYANARAYANA MURTHY

13th February, 2017

DR

