

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.405 of 2017

ORDER:

This Criminal Petition, under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed to enlarge the petitioner in the event of arrest as he is apprehending arrest in connection with Crime No.165 of 2016 of Amrabad Police Station registered for the offence punishable under Section 341 r/w 34 IPC.

The basic requirement to exercise power under Section 438 of Cr.P.C. is that apprehension of any person on any accusation having committed a non-bailable offence may apply to the High Court or the Court of Sessions. But here, the offence allegedly committed by the petitioner is under Section 341 IPC and the punishment provided under this Section is one month of simple imprisonment, or fine of Rs.500/-, or both and it is a bailable offence. Therefore, the present petition itself is not maintainable, in view of Section 438 Cr.P.C.

Accordingly, this Criminal Petition is dismissed without advertng to the merits of the case.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand dismissed.

M. Satyanarayana Murthy, J

27th January, 2017
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Dt. 27-1-2017

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