

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.2026 OF 2017

ORDER:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Code'), is filed requesting to quash the proceedings in First Information Report in Crime No.28 of 2017 of Guduru Police Station, Krishna District.

2. The petitioner is sole accused in the aforesaid crime. He alleged to have committed the offences punishable under Sections 341, 324 and 354B I.P.C. and Sections 3 (1) (s), 3 (1) (r) and 3 (2) (va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) (Amendment) Act, 2015.

3. Heard Sri G.L. Nageswar Rao, learned counsel for the petitioner, and learned Additional Public Prosecutor for the State of Andhra Pradesh.

4. Though, initially, the learned counsel for petitioner intended to tender arguments and, in fact, advanced, but, however, restricts the relief to the extent of issue of notice under Section 41(A) of the Code, contending that none of the offences alleged against the petitioner is provided with imprisonment extending up to seven years.

5. Learned Additional Public Prosecutor, of course, would not object it, since, the procedure prescribed under Section 41(A) of the

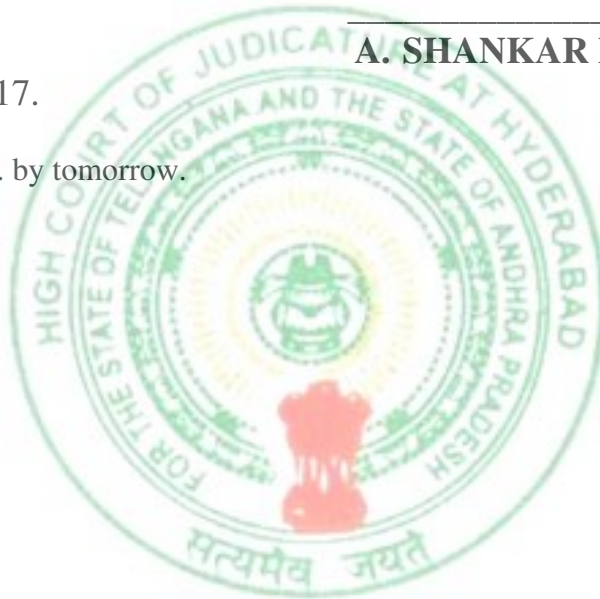
Code is mandatory, besides the guidelines laid down by the Honourable Supreme Court in **Arnesh Kumar v. State of Bihar and another**¹.

6. Hence, the Criminal Petition is dismissed directing the Investigating Officer to follow the procedure prescribed under section 41(A) of the Code. Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand closed.

A. SHANKAR NARAYANA, J

March 14, 2017.

Note: Issue C.C. by tomorrow.
B/O.MD



¹2014 (8) SCC 273