

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.8239 of 2017

ORDER:

Heard learned counsel for the petitioners/accused Nos.4 to 6 in crime No.29 of 2017 of Iragavaram Police Station, West Godavari District, registered for the offences punishable under Sections 417 & 420 IPC and Section 3 r/w 4 of Prize Chits & Money Circulation Schemes (Banning) Act, and also learned Public Prosecutor representing the State and before ordering notice to respondent Nos.2 & 3 and perused the FIR and other material on record.

A perusal of the material on record shows there is nothing to interdict the investigation.

Having regard to the above, the Criminal Petition itself is disposed of without prejudice to all available defence of the accused, however, by making clear in the event of necessity of arrest, the police should 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 petitioners are at liberty to file material before the Investigating Officer to prove their innocence.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 06.09.2017
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¹ 2014 (8) SCC 273