

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.2621 of 2017

ORDER:

This Criminal Petition under Sections 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed to enlarge the petitioner/ A.3 in the event of his arrest since he is apprehending arrest in connection with Crime No.32 of 2017 on the file of PS, Bellampalli-I Town, registered for the offences punishable under Sections 420, 468 and 471 IPC.

After arguing the matter at length, the learned counsel for the petitioner requested this Court to issue a direction to Bellampalli_I Town Police Station, to follow the procedure contemplated under Section 41-A of Cr.P.C., and the guidelines issued by the Apex Court in **ARNESH KUMAR v. STATE OF BIHAR**¹ before effecting the arrest of the petitioners.

It is needless to mention here that it is the duty of the investigating agency to follow the procedure laid down under Section 41-A Cr.P.C., and the guidelines issued by the Apex Court in **Arnesh Kumar's** case, referred to above,, otherwise, it would amount to contempt of Court. As the offences alleged falls within the ambit of the guidelines, this Court need not give any direction to the Police to follow the procedure contemplated under Section 41-A Cr.P.C. and the guidelines issued by the Apex Court in **Arnesh Kumar's referred to above.**

Accordingly, this Criminal Petition is disposed of.

¹ 2014(2) ALT (CrL.) 457 (SC)

Miscellaneous petitions, if any, pending in this case, shall stand closed.

M. SATYANARAYANA MURTHY, J

Date:04.04.2017
cha



THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY



CRIMINAL PETITION No.2621 of 2017

Dt.04-04-2017

eha