

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.7051 OF 2017

ORDER:

Heard learned counsel for the petitioners/A1 to A10 of Crime No.70 of 2017 on the file of SHO, Chennethapalli P.S., Ananthapur District, before ordering notice to 2nd respondent – defacto complainant, APO, NREGGS and also the 1st respondent – State, represented by learned public prosecutor and perused the grounds urged and the contents of the FIR.

2. No doubt, there is force in the contention of the counsel for the petitioner that the application of Section 353 IPC is bleak and the same has no application for no offence committed against any public servant by use of criminal force or assault to deter public servant from discharging duty. However, all other sections including Section 3, 23(4) IPC apply to the allegations concerned, thereby, for this Court, there is nothing to interdict the investigation.

3 Hence, this criminal petition is disposed of, by left open all available defences. It is needless to say, in the event of any necessity of arrest of the petitioner, the police shall strictly follow Section 41A of Cr.P.C. and the guidelines laid down by the Hon'ble Apex Court in ***Arnesh Kumar Vs. State of Bihar***¹.

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

DR.B.SIVA SANKARA RAO, J

11.08.2017

Note: issue C.C. by 16.08.2017.
B/o.SS

¹ 2014 (5) SCC 324