

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.2656 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.1 in the event of his arrest since he is apprehending arrest in connection with Crime No.184 of 2016 on the file of PS, Kandukur Town, registered for the offences punishable under Sections 498-A IPC and Section 3 and 4 of DP Act.

After arguing the matter at length, the learned counsel for the petitioner requested this Court to issue a direction to Kandukur 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 petitioner.

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 (Cr.) 457 (SC)

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

M. SATYANARAYANA MURTHY, J

Date:06.04.2017
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Dt.06-04-2017

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