

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

CRIMINAL PETITION No.9557 OF 2017

ORDER:

Heard learned counsel for the petitioner/A19 of Crime No.179 of 2017 of Mattampally Police Station, Suryapet District, registered for the offences punishable under Section 420 IPC and Section 7 of Essential Commodities Act, which is outcome of the police panchanama proceedings, by seizure and interception of the Scorpio vehicle, driving by A1, belongs to A18 and so far as the petitioner A19 is concerned, from the remand report of A1 to A11 by showing A12 to A20 in abscondance, there is nothing referred in the last Paras of the remand report as to how A19 is concerned with but for saying he is a resident of Guntur and thereby the acquisition is not sustainable and the Crime against him is liable to be quashed, whereas, it is the submission of the learned public prosecutor that the disclosure statement of A1 that the petitioner is receiving the PDS rice through A17 and the 20 bags of the PDS rice intercepted is part of that said clandestine business.

2. Having regard to the above, there is nothing to admit, much less, to interdict the investigation, but for to say, pending investigation, if at all 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. This order will not interdict the liberty of the petitioner to move for bail if any.

3. Accordingly and with the above direction, this criminal petition is disposed of. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

DR.B.SIVA SANKARA RAO, J

12.10.2017
SS



¹ 2014 (5) SCC 324