

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Crl.P.No.10678 of 2017

ORDER

This petition is filed under Section 482 Cr.P.C., challenging the order passed in Crl.M.P.No.464 of 2017 in Cr.No.185 of 2017 by the I Additional District and Sessions Judge, Nellore, dated 25.09.2017, refusing to grant police custody for further interrogation of the respondents herein.

2. The main contention of petitioner is that the custody of the respondents is required to elicit information with regard to the commission of offence, but the Court below dismissed the application on various grounds.

3. As seen from the information furnished before this Court, the crime was registered on 02.08.2017 and respondents 1 to 4/A1 to A4 were produced before the Court on 16.08.2017 and respondent No.5/A5 was produced before the Court on 18.08.2017 on execution of PT warrants and the petition was filed on 06.09.2017. The petitioner is only sought for custody of respondents for further interrogation and that though the respondents were produced before the Court on 16.08.2017, the petition was filed beyond 15 days from the date of ordering their judicial custody by the Magistrate. The core issue before this Court is that whether the police custody be granted by exercising power under Section 167(2) Cr.P.C., after the remand period for 15 days. This issue is no more *res integra* in view of the law declared by this Court in the judgment in **The Public**

Prosecutor, High Court of Andhra Pradesh, Hyderabad V. J.C.Narayana Reddy and another¹ wherein the single Judge of this Court, by placing reliance on the judgment of the Apex Court in **C.B.I. Spl. Investigating Cell-I, New Delhi V. Anupam J. Kulakarni**, held that no order could be passed within 15 days from the date of surrender and subsequent order was passed on 21.04.1995 i.e., after expiry of first 15 days of remand and the custody of police cannot be granted after expiry of first 15 days of surrender of the first respondent.

4. In view of the law declared by this Court in the above referred judgment, no order for custody of the respondents to the police can be passed after expiry of initial remand period of 15 days. Hence, on this ground, the order passed by the Court below cannot be reversed.

5. The Criminal Petition is accordingly dismissed. Miscellaneous petitions, if any, pending in this petition shall stand dismissed.

M. SATYANARAYANA MURTHY, J

14th November, 2017

sj

¹ 1996(2) ALD 598