

**HON' BLE SRI JUSTICE GUDISEVA SHYAM PRASAD****WRIT PETITION No. 294 of 2016****ORDER:**

This writ petition is filed seeking a writ of mandamus, declaring the Crime No.163 of 2009 on the file of Sattenapalli P.S., Guntur district, as illegal and arbitrary; and to declare the action of respondents 2 and 3 in issuing Red Corner Notice against the petitioner as illegal and violative of fundamental rights of the petitioner, and consequentially to stay all further proceedings in Crime No.163 of 2009.

2. The petitioner filed an affidavit stating that he married the respondent No.4 on 08.04.2003 and they were blessed with a child namely Mohan Aditya on 04.11.2007. The petitioner is practicing as a Doctor in the United Kingdom and therefore he is a citizen of the United Kingdom. The petitioner came to know that a Red Corner notice was issued to him on the file of Sattenapalli Police Station in Crime No.163 of 2009 registered for the offences under Sections 65 and 66 of the Information Technology Act, 2000. It is further stated that in the charge sheet filed in C.C.No.358 of 2013, the petitioner was falsely shown as absconding and Non-Bailable Warrant (NBW) was got issued against him. Pursuant to the NBW, the 2<sup>nd</sup> and 3<sup>rd</sup> respondent had issued a Look Out Circular (LOC)

and another Red Corner Notice to the petitioner. While so, the petitioner filed W.P.No.19217 of 2014 before this Court praying not to arrest him pursuant to the aforesaid LOC and also not to initiate any proceedings for his extradition from the United Kingdom in pursuance of the said Red Corner Notice in C.C.No.358 of 2012. The writ petition W.P.No.19217 of 2014 was disposed of with the following order:

*“In view of this legal regime, it is only appropriate that Respondent 2 and 3 shall not arrest the writ petitioner. However, they must place the necessary material before the Court concerned for it to make an assessment as to whether really the petitioner herein is required to be arrested and detained or the ends of justice could be adequately met by dispensing with any such arrest or ordering for his presence only when it is essentially needed for proceeding further with the case.”*

3. Subsequent to the orders passed by this Court, the petitioner filed CrI.MP.No.4095 of 2014 in C.C.No.358 of 2012 on the file of I Additional Judicial Magistrate of First Class, Sattenapalli, to recall the NBW issued against him in C.C.No.358 of 2012. Learned Magistrate by order dated 13.11.2014 in the said CrI.MP.No.4095 of 2014 recalled the NBW issued against the petitioner. It is further stated that the order in CrI.MP.No.4095 of 2014 and the order passed by this Court in W.P.No.19217 of 2014 have become final. Therefore, the petitioner sought for a direction to the respondents 1

to 3 not to enforce the Red Corner Notice in Crime No.163 of 2009 of Sattenapalli P.S.

4. Heard the arguments of learned counsel for the petitioner, and learned counsel for respondent No.5 and learned AGP (Home).

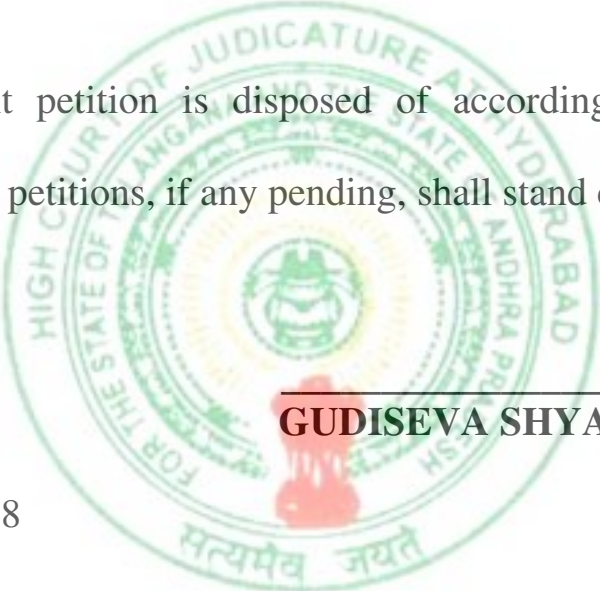
5. Learned counsel for the petitioner submits that the petitioner is seeking liberty to withdraw the relief claimed in sub-paragraph (a) in the writ petition i.e., relief to *declare the Crime No.163 of 2009 on the file of Sattenapalli P.S., Guntur District, as illegal and arbitrary and unjust*. Learned counsel also seeks liberty may be granted to the petitioner to approach appropriate Court for availing appropriate remedy with regard to the relief at sub-paragraph (a) of the writ petition. As far as relief in sub-paragraph (b) in the writ petition i.e., relief to *declare the action of respondents 2 and 3 in issuing Red Corner Notice against the petitioner as arbitrary, illegal and unjust besides being violative of the Fundamental Rights of the Petitioner and in violation of Principles of Natural Justice* is concerned, the learned counsel submits that the petitioner has appeared before the trial Court and the NBW has been recalled and therefore no further orders are required with regard to that relief.

6. Learned counsel for respondent No.5 has not objected to the submissions made by the learned counsel for the petitioner.

Learned AGP (Home) also has no objection for the submissions made by the learned counsel for the petitioner.

7. Having regard to the submissions made by the learned counsel for the petitioner, the petitioner is permitted to withdraw the relief claimed insofar as sub-paragraph (a) of the writ petition, and is granted liberty to approach appropriate Court for appropriate remedy. Insofar as the relief at sub-paragraph (b) of the writ petition, no further orders need to be passed.

8. The writ petition is disposed of accordingly. No costs. Miscellaneous petitions, if any pending, shall stand closed.



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**GUDISEVA SHYAM PRASAD, J**

16<sup>th</sup> April, 2018

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**16<sup>th</sup> April, 2018**

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