

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 16097 OF 2018

ORDER :

This Writ Petition is filed seeking a *mandamus* to declare the action of the 3rd respondent Station House Officer in not following the procedure under Section 41-A of the Code of Criminal Procedure with regard to FIR No. 68 of 2018 on the file of Kothapet Police Station, Guntur Urban and taking steps for arresting the petitioner as illegal and arbitrary.

Heard learned counsel for the petitioner.

Learned Government Pleader for Home, based on the written instructions, submits that on the complaint of one Jekkireddy Balareddy, a case in Crime No. 68 of 2018 was registered against the petitioner for the offences punishable under Sections 408 and 420 of the Indian Penal Code on the file of the 3rd respondent police station and investigation is on, but however, the petitioner is absconding and that the 3rd respondent police have been looking for him to serve the notice under Section 41-A. While so, it is further submitted, the petitioner's wife lodged a complaint on 10.04.2018 stating that the petitioner is missing from 12.03.2018, based on which, a case in Crime No. 89 of 2018 was registered under the head 'man missing' on the file of Old Guntur Police Station.

Having considered the respective submissions and grievance of the petitioner, inasmuch as it is the petitioner, who is willing to be present for inquiry under Section 41-A and there being no objection from the respondents, as it would also facilitate the Station House Officer to have certainty, it is directed that the

petitioner shall be present before the 3rd respondent Station House Officer on 09.05.2018 at 10.00 A.M. and the latter shall complete the inquiry and allow him to leave by 01.00 P.M. However, if the petitioner's presence is further required, orders, in writing, may be issued to him.

Subject to the above, the Writ Petition is disposed of. No costs.

Consequently, the miscellaneous Applications, if any shall stand closed.

01st May 2018

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CHALLA KODANDA RAM, J

