

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.5350 OF 2018

ORDER:

This criminal petition is filed under Section 482 of Criminal Procedure Code to quash the proceedings in C.R No.131 of 2017 on the file of Prohibition and Excise Station, Tenali, Duggirala, Guntur District.

Learned counsel for the petitioner after arguing for sometime, requested this Court to direct the police to follow the procedure laid down under Section 41-A of Cr.P.C and guidelines formulated by the Apex Court in “**Arnesh Kumar v. State of Bihar and another¹**”.

Acceding to the request of the learned counsel for the petitioner and without touching the merits of the case, I deem it appropriate to direct the police to follow the guidelines prescribed in **Arnesh Kumar** case. It is needless to mention that the Supreme Court made it clear that violation of guidelines in **Arnesh Kumar** case amounts to Contempt of Court action. Therefore, the Investigation Agency is bound to adhere to the guidelines issued in **Arnesh Kumar** case.

With the above directions, the petition is disposed of.

Consequently, miscellaneous petitions pending, if any, shall also stand closed. No costs.

JUSTICE M. SATYANARAYANA MURTHY

Date:06.06.2018

SP

¹ (2014) 8 SCC 273