

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.27486 of 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking the following relief:

“to issue an Order, Direction or Writ more particularly one in the nature of Writ of Mandamus, challenging the action of the Respondents in resorting to take steps for apprehending the petitioners in sheer derogation and conflict with threshold condition of issuing notice under Section 41 A Code of Criminal Procedure, as mandated, as wholly in conflict with the binding principles laid down by the Honble Supreme Court in the case of Arnesh Kumar Vs. State of Bihar and another, and being on collision course with the express provisions of Section 41 A of Code of Criminal Procedure, besides being akin to that of improper, misuse and excessive exercise of power vested in the Respondents, and consequently direct the Respondents to strictly comply with the law laid down and the provisions of Section 41 A of Code of Criminal Procedure, by duly issuing notice to me seeking explanation and to direct the Respondents not to resort to effecting arrest floating the mandates provided in the Act.”

2. Heard learned counsel for the petitioners and the learned Government Pleader for Home appearing for respondents 2 to 4.
3. Learned counsel appearing for the petitioners submits that the issue involved in this Writ Petition is squarely covered by the order of this Court, dated 27.04.2018, in W.P.No.14106 of 2018. The same is not disputed by learned Government Pleader for Home appearing for respondents 2 to 4.
4. Following the said order, this Writ Petition is also disposed of directing the Station House Officer, Khanapur Police Station, District

Warangal Rural, to follow the statutory mandate in Section 41-A of the Code of Criminal Procedure, 1973, and the precedential guidelines in **Arnesh Kumar v. State of Bihar and another**¹ while investigating into the subject crime.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

A.RAJASHEKER REDDY, J

AUGUST 03, 2018

Note:
Registry to annex a copy of order,
dated 27.04.2018 in W.P.No.14106 of 18
to this order.
(B/o)
YVL



¹ (2014) 8 Supreme Court Cases 273

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY



WRIT PETITION No.27486 of 2018

Date:03.08.2018

YVL