

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.28100 OF 2018

ORDER:

This writ petition is filed challenging the action of the 2nd respondent in threatening to arrest the petitioner without following the procedure under Section 41 A of Cr.P.C. and to direct the 2nd respondent to follow the procedure under Section 41A of the Cr.P.C.

Heard learned counsel for the petitioner who submits that the offence alleged against the petitioner are punishable with imprisonment for a term of less than seven years, as such, the respondents police have to follow the guidelines issued by the Apex Court in ***Arnesh Kumar v. State of Bihar and Another (2014) 8 Supreme Court Cases 273.***

Learned Assistant Government Pleader for Home submits that serious allegations are made against the petitioner in Crime No.193/2018, dated 19.07.2018, under Section 365, 34 IPC.

It is to be seen that if petitioner's case falls under the offence punishable with imprisonment for a term of less than seven years, the respondent police have to follow the guidelines provided by the Apex Court in ***Arnesh Kumar's*** case.

In view of the same, the 2nd respondent is directed to follow the guidelines of the Apex Court in ***Arnesh Kumar v. State of Bihar and Another (2014) 8 Supreme Court Cases 273***, if

petitioner's case falls within the parameters laid down in the said Judgment.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

09.08.2018

Note: Issue CC by 10.08.2018

B/o.t k.

