

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.32656 of 2018

ORDER:

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

“For the reasons and circumstances stated above it is therefore prayed that this Hon’ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of “Mandamus” declaring the action of the respondents in not following the procedure prescribed in Arnesh Kumar Vs. State of Bihar as being illegal, arbitrary and violation of Article 21 of the Constitution of India and consequently direct the respondent authorities to follow the procedure prescribed in Arnish Kumar Vs. State of Bihar and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

2. I have heard the submissions of Sri *S.Dushyanth Reddy*, learned counsel appearing for the petitioner; and of the learned Government Pleader for Home (A.P.) appearing for the respondents 1 to 4. I have perused the material record.

3. At the hearing, learned counsel for the petitioner submits that the Police Officers may be directed to follow the guidelines in *Arnesh Kumar v. State of Bihar and another*¹ while investigating into the case in Crime no.128 of 2018, on the file of the Station House Officer, Badvel (U) Police Station, Badvel, YSR Kadapa District, registered for the offences punishable under Sections 420, 464, 468, 471 & 506 read with 34 of the Indian Penal Code, 1860.

4. Learned Government Pleader for Home, on instructions, would submit that the Police Officer concerned would follow the precedential guidance in the said decision of the Supreme Court.

¹ (2014) 8 Supreme Court Cases 273

5. Recording the submissions, the Writ Petition is disposed of directing that the 4th respondent, while investigating into the case in Crime no.128 of 2018, shall follow the precedential guidance in the decision in **Arnesh Kumar's Case** (Supra 1), if the offences alleged in the said case are punishable with imprisonment/s of seven (07) years or less.

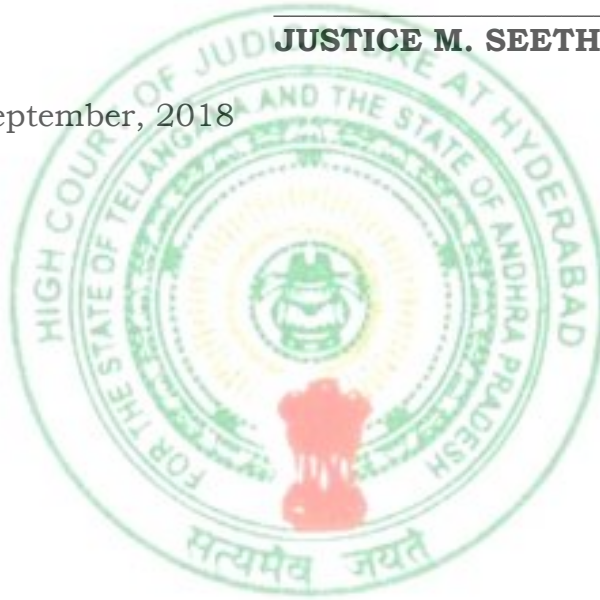
There shall be no order as to costs.

Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

JUSTICE M. SEETHARAMA MURTI

Date: 14th September, 2018

KL



85

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI**WRIT PETITION No.32656 of 2018**Date: 14th September, 2018

KL