

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.3611 of 2017

ORDER:

The prayer in the writ petition is as under:

“to pass order or orders one in the nature of Writ of Certiorari by declaring the impugned notice dated 17.11.2016 under Section 41(a) of Cr.P.C. vide notice No.118/ Crime/ PS. MKT/ 2015-16 issued by respondent No.3 which is against the provisions of Section 300 of Cr.P.C and Article 20(2) of the Constitution of India and liable to be set aside and quash and to declare the same as illegal, arbitrary, against the principles of natural justice and to pass...”

2. Heard the learned counsel for petitioners, and the learned Government Pleader for Home (TG) on behalf of the respondents 1 to 3 and perused the prayer in the writ petition with supporting affidavit and other material on record.

3. In fact, in the very notices issued under Section 41(a) Cr.P.C. in Crime No.118 of 2015 on the file of the Market Police Station, Secunderabad, registered for the offences punishable under Sections 297, 427 and 506 IPC, covered by the prayer in the writ petition, there is nothing wrong in giving notice for appearance or to give explanation pursuant to the crime in question.

In the result, this Writ Petition is disposed of. It is needless to say that the police should strictly follow the said provision without any abdication. No order as to costs.

Miscellaneous Petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

24.04.2018
MVA

