

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.34967 of 2018

ORDER:

The grievance of the petitioner in the present writ petition is that the respondents are not following the law laid down by the Hon'ble Apex Court in ***Arnesh Kumar vs. State of Bihar***¹ and had not issued notice under Section 41-A of the Code of Criminal Procedure (Cr.P.C).

On the other hand, it is submitted by the learned Government Pleader that on the complaint by the FIRE Department, Police have registered FIR.No.119/2018 for the alleged offences under Sections 420, 468 and 471 IPC and during the course of investigation, the Investigating Officer recorded the statements of L.Ws1 & 2 and that when an attempt was made to serve notice under Section 41-A to the petitioner, the petitioner was found absconding. It is further stated in the written instructions that the allegation that the 3rd respondent threatening to arrest the petitioner is false.

It is also brought to the notice of this Court that in similar circumstances, this Court disposed of W.P.No.31928 of 2018 directing the respondent Station House Officer therein to adhere the procedure under Section 41-A of Cr.P.C and guidelines of the Hon'ble Apex Court rendered in ***Arnesh Kumar's case***. A copy of the said order is placed on record.

Following the above said order, this writ petition is disposed of directing the 3rd respondent Station House Officer to follow the procedure laid down under Section 41-A of Cr.P.C and also the

¹ 2014 (2) ALT (CrI) 457 (SC)

guidelines rendered in ***Arnesh Kumar's case***. The petitioner shall appear before the 3rd respondent Station House Officer on 02.11.2018 for receipt of notice under Section 41-A of Cr.P.C.

Accordingly, the writ petition is disposed of. There shall be no order as to costs.

Miscellaneous Petitions pending consideration, if any, in this Writ Petition shall stand closed.

JUSTICE A.V.SESHA SAI

Date :24.10.2018
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