

HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

**+ CRIMINAL PETITION Nos.10318, 10319, 10320, 10330, 10331,
10410, 10411, 10466, 10468, 10489, 10490 and 10491 of 2018**

% Dated 21.12.2018

Viswanathan S/o.late Subramanian
Aged about 43 years, R/o.D.No.2-243,
Mel Street, Kettavaarampalem Village,
Thiruvannamalai District, Tamil Nadu State.

....Petitioner

VERSUS

\$ The State of Andhra Pradesh,
Rep. by its Public Prosecutor,
High Court at Hyderabad,
Hyderabad and another

... Respondents

! Counsel for Petitioners : Sri S. Dushyanth Reddy

^ Counsel for Respondent : Public Prosecutor

< GIST:

> HEAD NOTE:

? CITATIONS:

1. 1980(2) SCC 559
2. 2014 (16) SCC 623
3. 2002 (a) ALD (CrI.) 67 (AP)
4. 1984 (4) SCC 348
5. 2001 (6) SCC 311
6. AIR 1987 SC 1096
7. 1982 CrI.J 1757
8. (2000) 10 SCC 438
9. AIR 1977 SC 1096
10. (1980) 1 SCC 554
11. (2008) 2 SCC 383
12. (2015) 4 SCC 302
13. 2014 (2) ALD (CrI.) 684
14. (2000) 3 SCC 409
- 15.(1994) 3 SCC 440
16. (1989) 2 SCC 754
17. (2002) 4 SCC 234
18. (2002) 1 SCC 1
19. (1980) 2 SCC 565
20. (2008) 3 SCC 222
21. (1980) 3 SCC 141
22. (1978) 1 SCC 248
23. (2002) 4 SCC 578
24. (2016) 3 SCC 700
25. (2017) 15 SCC 67

HON' BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION Nos.10318, 10319, 10320, 10330, 10331, 10410, 10411, 10466, 10468, 10489, 10490 and 10491 of 2018

COMMON ORDER:

1. The common Question involved in all matters is whether the person accused in several crimes, having been arrested during investigation by police according to law in one crime and produced therein within 24 hours and taken to Judicial custody and is in Jail as pre-trial prisoner, subject to Sections 167, 437 to 439 Cr.P.C, having been not asked by him or by the police concerned to issue P.T. Warrant for taking to judicial custody in all other crimes, is entitled to claim set-off of the period under section 428 Cr.P.C., in other crimes and when ? Further whether he is in deemed custody for purposes of Sections 437 to 439 Cr.P.C ?

2. The self-same accused by name Viswanathan of Thiruvannamalai District, Tamil Nadu State, moved all these petitions by showing the State of Andhra Pradesh, represented by its Public Prosecutor and the Superintendent of Police, YSR Kadapa District as respondents with self-same prayer in all the petitions to quash the endorsement dated 06.09.2018 returning the bail application of the petitioner and direct the learned District Judge, Kadapa to entertain the applications for bail treating the petitioner in deemed custody in the respective crimes viz.

