

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.18721 of 2019

ORDER :

This writ petition is filed for a direction to respondents 3 to 5 to comply with the provisions of Section 41-A of Cr.P.C., read with Judgment of the Hon'ble Supreme Court in Case of *Arnesh Kumar v. State of Bihar (2014) 8 SCC 273*, instead of resorting to arrest petitioners, directly.

The only grievance of the petitioners is that the 5th respondent registered a case in FIR No.137 of 2019, dt.06-05-2019, against the petitioners under Sections 323, 324, 341, 294(b), r/w.34 IPC & Sec.3(1)(r)(s), 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989; and that the respondents Police without issuing any notice and following the procedure contemplated under Section 41-A of the Code of Criminal Procedure, 1973, are taking steps to arrest the petitioners. He further submits that the Hon'ble Supreme Court in *Arnesh Kumar's (supra)* case, laid down procedure to be followed under Section 41-A of the Cr.P.C.

Heard both sides.

Having regard to the aforesaid facts and circumstances, the writ petition is disposed of directing the respondents Police, to follow the statutory mandate in Section 41-A of the Code of Criminal Procedure,

1973, and the guidelines in *Arnesh Kumar's case*, while investigating into the afore-stated crime. 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

28.08.2019

Note: Issue CC by 29-08-2019.

B/o.t k.



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