

**IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD**  
**WEDNESDAY, THE SEVENTH DAY OF SEPTEMBER**  
**TWO THOUSAND AND TWENTY TWO**

**:PRESENT:**  
**THE HONOURABLE DR. JUSTICE CHILLAKUR SUMALATHA**  
**IA No. 2 OF 2022**  
**IN**  
**CRLP NO: 8026 OF 2022**

**Between:**

Krishna Bung, S/o. Suresh Bung

...Petitioners/Accused No.6  
(Petitioner in CRLP 8026 OF 2022  
on the file of High Court)

**AND**

1. State of Telangana, Rep. by its Public Prosecutor, High Court of Judicature  
at Hyderabad

Respondent

2. The Prohibition and Excise Sub-Inspector, Kachiguda Police Station,  
Hyderabad.

...Respondent/Defacto Complainant  
(Response in-do-)

**Counsel for the Petitioner : SRI MAYUR MUNDRA**  
**Counsel for the Respondent No.1 : ASSISTANT PUBLIC PROSECUTOR**

Petition under Section 482 of <sup>C.P.C</sup> ~~C.P.C~~ praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings including investigation and arrest of the petitioner in C.O.R.No. 59/2022 before Prohibition and Excise Kachiguda Police Station in the interest of justice, Pending disposal of CRLP No. 8026 of 2022, on the file of the High Court.

The Court made the following

**ORDER**

This is an application filed seeking the Court to stay all further proceedings, including arrest of the petitioner, who is arrayed as Accused No.6 in C.O.R.No.59 of 2022 of Prohibition and Excise Police Station, Kachiguda.

Learned counsel for the petitioner submits that the only allegation that is levelled against the petitioner is that he sold black Jaggery and Alum and selling of those products is not an offence, even if the version of the prosecution is taken to be true, but the Excise officials are trying to arrest the petitioner and hence, protection from arbitrary arrest may be granted.

Learned Assistant Public Prosecutor did not raise any objection for grant of such relief.

Thus, having regard to the submission made and keeping in view the facts and circumstances of the case, I.A.No.2 of 2022 is disposed of with the following directions:

- (i) The Station House Officer, Prohibition and Excise Police Station, Kachiguda/Investigating Officer shall not affect arrest of the petitioner/ Accused No.6 without following the procedure established by law.
- (ii) The Station House Officer, Prohibition and Excise Police Station, Kachiguda /Investigating Officer, shall adhere to the requirement to follow Section 41-A Cr.P.C except under the circumstances mentioned under Sections 41(1) and 41-A (4) Cr.P.C.
- (iii) The guidelines issued by the Hon'ble Apex Court in *Arnesh Kumar Vs. State of Bihar* [(2014) 8 SCC 273] shall be followed.
- (iv) The Station House Officer/ Investigating Officer shall not insist upon the personal appearance of the petitioner/Accused No.6 during the course of investigation, except where his personal appearance is required.
- (v) In case the personal appearance of the petitioner/Accused No.6 is required, the same shall be communicated to him in writing indicating the reasons for which his personal appearance is sought.
- (vi) However, it is made clear that the Investigation may go on.
- (vii) That the petitioner/Accused No.6 shall cooperate with the police during process of investigation.

SD/- T. KRISHNA KUMAR  
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The IV Additional Chief Metropolitan Magistrate, Hyderabad
2. The Station House Officer, Prohibition and Excise Kachiguda Police Station, Hyderabad
3. The Prohibition and Excise Sub-Inspector, Kachiguda Police Station, Hyderabad.
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana, Hyderabad (OUT)
5. One CC to Sri Mayur Mundra Advocate [OPUC]
6. One spare copy

HIGH COURT

DR.CSLJ

DATED:07/09/2022

ORDER

IA NO.2 OF 2022  
In  
CRLP.No.8026 of 2022

DIRECTION

