

**HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD**

**FRIDAY, THE TWENTY FIRST DAY OF OCTOBER  
TWO THOUSAND AND TWENTY TWO**

**PRESENT  
THE HONOURABLE Dr. JUSTICE CHILLAKUR SUMALATHA**

**CRIMINAL PETITION NO: 9322 OF 2022**

**Between:**

Tummepalli Sri Rama Chandra Gupta,

**...PETITIONER**

**AND**

1. The State of Telangana, through the SHO, Kodad prohibition and excise station, Suryapet District Rep. by Public Prosecutor, High Court for the State of Telangana, at Hyderabad.
2. R.V. Rajyalaxmi,

**...RESPONDENTS**

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash proceedings in PCOR No. 63 of 2020, dated 03/10/2020 on the file of the Kodad prohibition excise station, Suryapet District, against the Petitioner/Accused No.4

**I.A. NO: 2 OF 2022**

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to grant stay of all further proceedings including not to arrest the Petitioner/Accused no.4 in PCOR No. 63 of 2020, dated 03-10-2020 on the file of the Kodad prohibition and excise station, Suryapet District District till the disposal of the main Quash Petition

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri LAXMAIAH KANCHANI, Advocate for the Petitioner and of the Adl Public Prosecutor for the State of Telangana on behalf of the Respondent No.1 and for the Respondent No.2 none appeared.

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.9322 of 2022

ORDER :

Heard the submission of the learned counsel for the petitioner as well as the learned Assistant Public Prosecutor, who is representing respondent Nos.1 and 2.

2. Seeking the Court to quash the proceedings that are pending against the petitioner, who is arrayed as accused No.4 in PCOR No.63 of 2020 of Kodad Prohibition and Excise Station, Suryapet District, the present Criminal Petition is filed.

3. Learned counsel for the petitioner submits that the petitioner has not committed any offence and even as per the contents of the Panchanama and the statements recorded, the petitioner had only sold jaggery and that does not constitute any offence.

4. Vehemently opposing the said submission, the learned Assistant Public Prosecutor contends that sufficient material is on record to show that the petitioner was doing the business of manufacturing illicitly distilled

liquor and thus, the case does not pertain only to sale of jaggery.

5. On that, learned counsel for the petitioner submits that protection of the petitioner from arbitrary arrest may be granted.

6. Having considered the submission made thus, this Criminal Petition is disposed of with the following directions:-

(1) The Station House Officer, Kodad Prohibition and Excise Police Station, Suryapet District, shall not effect arrest of the petitioner without following the procedure established by law.

(2) The Station House Officer, Kodad Prohibition and Excise Police Station/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.

- (3) The guidelines issued by the Hon'ble Apex Court in ***Arnesh Kumar Vs. State of Bihar***<sup>1</sup> shall be followed.
- (4) The Station House Officer, Kodad Police Station/Investigating Officer shall not insist upon the personal appearance of the petitioner during the course of investigation, except where his personal appearance is required.
- (5) In case the personal appearance of the petitioner is required, the same shall be communicated to him in writing indicating the reasons for which his personal appearance is sought.
- (6) However, it is made clear that the Investigation may go on.
- (7) That the petitioner shall co-operate with police during the process of investigation.

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<sup>1</sup> (2014) 8 SCC 273

7. As a sequel, miscellaneous petitions pending, if any,  
shall stand closed.

//TRUE COPY//

Sd/-M.MANJULA  
DEPUTY REGISTRAR

SECTION OFFICER

To

1. The Additional Judicial First Class Magistrate, Kodad, Suryapet District.
2. The Station House Officer, Prohibition and Excise Station, Kodad, Suryapet District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad (OUT)
4. One CC to Sri Laxmaiah Kanchani, Advocate [OPUC]
5. Two CD Copies
6. One Spare Copy

Kj.



HIGH COURT

DATED:21/10/2022



ORDER

CRLP.No.9322 of 2022

DISPOSING OF THE CRL.P.

⑧ v/s  
27/10/22