HIGH COURT OF ANDHRA PRADESH:: AMARAVATI

MAIN CASE NO.: Crl.P.No.990 of 2026

PROCEEDING SHEET

Sl. No.	Date	ORDER	OFFICE NOTE
1.	09.02.2026	**Dr.VJP,J** **I.A.No.01 of 2026** Heard. Filing of the certified copy is dispensed with for the present. **Crl.P.No.990 of 2026** Heard the learned counsel for the Petitioner. Learned Assistant Public Prosecutor takes notice for the State. Learned counsel for the Petitioner would submit that all the offences are punishable below seven years of imprisonment and a direction may be given to the Police to follow the guidelines issued by Hon'ble Apex Court in ***Arnesh Kumar v. State of Bihar***[1] reported in (2014) 8 SCC 273, since Section 35(3) of BNSS is *pari materia* to Section 41-A of the Code of Criminal Procedure. Learned Assistant Public Prosecutor fairly conceded the same and would submit that a direction may be given to the Police to follow the procedure as established under Section 35(3) of	**Contd…**

[1] (2014) 8 SCC 273

		BNSS since the offences are punishable with an imprisonment of below seven years. In that view, the Police are directed to follow the guidelines issued by the Hon'ble Apex Court in ***Arnesh Kumar v. State of Bihar*** (referred supra) scrupulously. Issue notice to Respondent No.3. Learned counsel for the Petitioner is permitted to take out personal notice on Respondent No.3 through Speed Post/Courier and file proof of the same. At request of learned Assistant Public Prosecutor, for getting instructions, list the matter on 16.03.2026. **Dr.VJP, J** KKV	