

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

TUESDAY, THE EIGHTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE HARINATH.N
WRIT PETITION NO: 6852 OF 2025

[3457]



Between:

Tsavatapalli Nagabhusanam, S/o Venkateswararao, Aged about 58 years, R/o Cheyyeru Village, Katrenikona Mandal, Dr.B.R.Ambedkar Konaseema District, Andhra Pradesh.

Petitioner

AND

1. The State of Andhra Pradesh, Rep. By its Principal Secretary, Department of Home, Secretariat, Velagapudi, Guntur District.
2. The Superintendent of Police, Dr.B.R.Ambedkar Konaseema District, Andhra Pradesh.
3. The Station House Officer, Katrenikona P.S. Dr.B.R.Ambedkar Konaseema District.
4. The Inspector of Police, Mummidivaram Circle Dr.B.R.Ambedkar Konaseema District.
5. I. Avinash, Sub-Inspector of Police, Station House Officer, Katrenikona P.S
6. M. Mohan Kumar, Inspector of Police, Mummidivaram Circle, Dr.B.R.Ambedkar Konaseema District. ✓

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ or order or direction more particular in the nature of Writ of Mandamus declaring the action of the Respondents herein, the Respondent Nos.5 and 6 herein presently working in the capacity of Respondent Nos.3 and 4, in illegally arresting the Petitioner herein on 22.02.2025 at 1 PM without properly following the procedure prescribed under

Section 35(3) of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 and the guidelines laid down by the Honble Supreme Court in the case of Arnesh Kumar vs State of Bihar, reported in 2014 (8) SCC 273 as being illegal, arbitrary and violative of Articles 14 and 21 of the Constitution of India and Consequently direct the Respondent Nos.1 and 2 to initiate departmental action against the Respondent Nos.5 and 6 .

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondent Nos.1 & 2 Police herein to initiate departmental action against Respondent Nos.5 and 6 herein, Pending disposal of WP 6852 of 2025, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri AJAY KUMAR KANAPARTHI Advocate for the Petitioner and of GP FOR HOME for the Respondents, the Court made the following

ORDER

“The learned counsel for the petitioner submits that the Station House Officer-the 3rd respondent has not followed the guidelines of the Hon’ble Supreme Court passed in the matter of Arnesh Kumar v. State of Bihar. —

It is submitted that the petitioner was issued a notice under Section 41-A on 22.02.2025 requiring the petitioner to submit his explanation within a period of one week however, on the same date, the petitioner was taken into custody before the Judicial Magistrate of I Class of Mummudivaram. ✓

The learned counsel appearing for the petitioner further submits that the learned Magistrate has set out the petitioner at liberty under Section 60 of the BNSS having satisfied with the Station House Officer-the 3rd respondent with the guidelines of the Hon’ble Supreme Court in the matter of Arnesh Kumar v. State of Bihar. ✓

Considering the same, this Court deems it appropriate to direct the 2nd respondent to take appropriate action against the 3rd and 4th respondents.

Post the matter on 08.04.2025."

SD/- K. KASIRAO ACHARI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

For

To,

1. The Principal Secretary, The State of Andhra Pradesh, Home Department, Secretariat, Velagapudi, Amaravati, Guntur District.(by SPECIAL MESSENGER)
2. The Superintendent of Police, Dr.B.R.Ambedkar Konaseema District, Andhra Pradesh.
3. The Station House Officer, Katrenikona P.S. Dr.B.R.Ambedkar Konaseema District.
4. The Inspector of Police, Mummidivaram Circle Dr.B.R.Ambedkar Konaseema District.
5. I. Avinash, Sub-Inspector of Police, Station House Officer, Katrenikona P.S., East Godavari District.
6. M. Mohan Kumar, Inspector of Police, Mummidivaram Circle, Dr.B.R.Ambedkar Konaseema District. (Nos. 2 to 5 by RPAD)
7. One CC to SRI. AJAY KUMAR KANAPARTHI Advocate [OPUC]
8. Two CCs to GP FOR HOME ,High Court Of Andhra Pradesh. [OUT]
9. One spare copy

HIGH COURT

HN,J

DATED:18/03/2025

POST ON 08.04.2025

ORDER

WP.No.6852 of 2025

INTERIM DIRECTION

