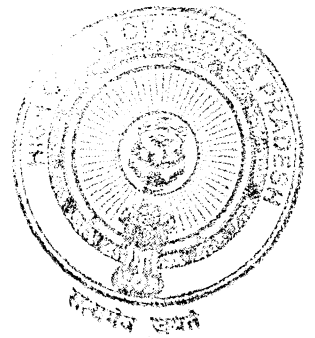


**(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)
TUESDAY, THE SIXTH DAY OF APRIL
TWO THOUSAND AND TWENTY ONE**

**:PRESENT:
THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO**

WRIT PETITION NO: 7867 OF 2021



Between:

V. Raghunath, S/o. V. Kumara Swamy.

Petitioner

AND

1. The Union of India,, Rep. by its Secretary, Ministry of Home Affairs, Government of India, New Delhi.
2. The National Investigation Agency,, Rep. by Deputy SP/CIO, NIA, Hyderabad, Camp Vijayawada.
3. The State of Andhra Pradesh,, Rep. by its Principal Secretary, Home Department, Secretariat, Velagapudi, Amravathi, Guntur District, Andhra Pradesh.
4. The Station House Officer,, P.S. Munchingput, Vishakapatnam District.

Respondents

WHEREAS the Petitioner above named through his Advocate Sri S. Goutham presented this 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 a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus to declare the case in RC-01/2021/NIA/HYD, P.S NIA which was initially registered as Cr.No. 47 of 2020 of P.S Munchingput, Visakhapatnam, for the alleged offences U/Sec.120 (6), 121(a), 143, 144, 124(a) r/w Sec 149 of IPC, and Sec 10, 13 and 14 of the Unlawful Activities Prevention Act, 1967 and Sec 8 (1) (2) of the Andhra Pradesh Public Safety Act and Sec 25 of the Indian Arms Act against the Petitioner though there is no prima facie case against Petitioner and inclusion of his name in the said crime itself is contrary to the mandatory provision of Sec 25 and 27 of the Indian Evidence Act as being illegal, arbitrary, unjust apart from being violative of principles of natural justice and violative of Articles 14, 19 and 21 of the Constitution of India and as also the Advocates Act, 1961 and consequently quash the proceedings in the said crime against Petitioner herein.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri S. Goutham Advocate for the Petitioner and of Sri N. Harinath, Asst. Solicitor General who takes notice for on behalf of Respondent Nos.1 & 2, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Secretary, Ministry of Home Affairs, Union of India, New Delhi.
2. The Deputy SP/CIO, NIA, National Investigation Agency Hyderabad, Camp Vijayawada.
3. The Principal Secretary, Home Department, State of Andhra Pradesh Secretariat, Velagapudi, Amravathi, Guntur District, Andhra Pradesh.
4. The Station House Officer, P.S. Munchingput, Vishakapatnam District.

are directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted on or before 19-04-2021 on which date the case stands posted for hearing

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to stay the proceedings in RC-01/2021/NIA/HYD, P.S NIA which was initially registered as Cr.No. 47 of 2020 of P.S Munchingput, Visakhapatnam, for the alleged offences U/Sec.120 (B), 121(a), 143, 144, 124(a) r/w Sec 149 of IPC, and Sec 10, 13 and 14 of the Unlawful Activities Prevention Act, 1967 and Sec 8 (1) (2) of the Andhra Pradesh Public Safety Act and Sec 25 of the Indian Arms Act including stay of arrest of the petitioner herein, pending disposal of WP No. 7867 of 2021, on the file of the High Court.

The Court made the following: ORDER:

Notice before admission.

Sri N.Harinath, learned Assistant Solicitor General of India takes notice for respondent Nos.1 and 2.

Learned Government Pleader for Home takes notice for respondent Nos.3 and 4.

The petitioner herein is an Advocate who is representing some of the accused in Crime No.47 of 2020 of Munchingput Police Station, Visakhapatnam District which has now been transferred to the National Investigation Agency and reregistered as Book No.118 of 2021 in NIA, Hyderabad Police Station under the provisions of Sections 120(B), 121(a), 143, 144, 124-(a) r/w Section 149 of IPC and Sections 10, 13 and 14 of the Unlawful Activities Prevention Act, 1967 and Section 8(1)(2) of the Andhra Pradesh Public Safety Act and Section 25 of the Indian Arms Act.

The petitioner has now approached this Court on the ground that he has been unfairly arrayed as accused No.78 in the said crime on the basis of an alleged confession made by accused No.1 that, the petitioner has been engaged on a full time basis by the CPI (Maoist) party and has received large amounts of cash from the said party.

Sri L.Ravi Chander, learned Senior Counsel appearing for the petitioner would submit that the petitioner is already appearing as an Advocate in the very same case for some of the accused and had filed W.P.No.1486 of 2021 and W.P.No.4265 of 2021 on their behalf. He submits that the petitioner is being dragged in only on account of his appearance for the other accused in the case.

Sri N.Harinath, learned Assistant Solicitor General of India submits that there is a large amount of material available to show the complicity of the petitioner in the violation of the various provisions of law mentioned above. He submits that a detailed counter would be submitted on this issue. He further

submits that any stay of investigation including arrest of the petitioner would hamper the investigation at a crucial time and as such the 2nd respondent should be permitted to conduct its investigation unhindered by any restrictions by this Court.

In view of the fact that the petitioner is an Advocate who has been representing various organizations as well as civil liberties organizations and in view of the fact that he is representing some of the accused in the present case also, it would be necessary to give the benefit of doubt to the petitioner and any arrest of the petitioner needs to be interdicted at this stage.

Accordingly, the investigation in the crime may go on. However, no coercive steps shall be taken against the petitioner including arrest, till next date of hearing.

However, the petitioner shall cooperate with the investigation and shall appear before the investigating officer as and when called upon to appear.

Post on 19.04.2021 in 'motion list'.

//TRUE COPY//

Sd/-B.NarsingaRao
ASSISTANT REGISTRAR
SECTION OFFICER
OF ASSISTANT REGISTRAR

To

1. The Secretary, Ministry of Home Affairs, Union of India, New Delhi.
2. The Deputy SP/CIO, NIA, National Investigation Agency Hyderabad, Camp Vijayawada.
3. The Principal Secretary, Home Department, State of Andhra Pradesh Secretariat, Velagapudi, Amravathi, Guntur District, Andhra Pradesh.
4. The Station House Officer, P.S. Munchingput, Vishakapatnam District.
(1 to 4 by RPAD- along with a copy of petition and affidavit)
5. One CC to Sri S. Goutham, Advocate [OPUC]
6. One spare copy

TVR

HIGH COURT

RRRJ

DATED:06/04/2021

NOTICE BEFORE ADMISSION

WP.No.7867 of 2021

POST ON 19.04.2021

