

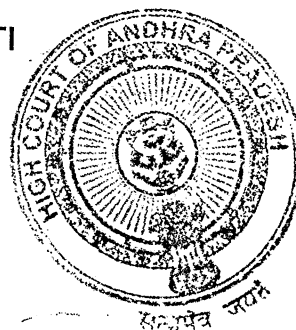
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

THURSDAY, THE SIXTH DAY OF MAY
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

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.

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 petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the order of the High Court order dated 06.04.2021 made herein and upon hearing the arguments of Sri L.Ravi Chander, learned Senior Counsel appearing for Sri S. Goutham Advocate for the Petitioner, Sri N. Harinath, Asst. Solicitor General for Respondent Nos.1 & 2, and learned GP for Home for Respondent Nos.3 & 4, the Court made the following.

ORDER:

Heard Sri L.Ravi Chander, learned Senior Counsel appearing for Sri S.Goutham, learned counsel for the petitioner, Sri N.Harinath, learned Assistant Solicitor General appearing for the National Investigation Agency and the learned Assistant Government Pleader for Home for respondent Nos.3 and 4.

Sri N.Harinath, learned Assistant Solicitor General submits that the counter affidavit of the National Investigation Agency has been filed and he is ready for final hearing in the matter.

Sri L.Ravi Chander, learned Senior Counsel has also submitted that the matter may be taken up for final hearing.

In view of the present Pandemic situation, it may not be possible to take up this matter today for final hearing.

Accordingly, post on 28.06.2021 for hearing.

As far as, the interim direction granted on 06.04.2021 is concerned, it appears that the petitioner has been cooperating with the investigating agency. In such circumstances, the earlier order of 06.04.2021 shall continue till the next date of hearing.

In the event of any further requirement, it will always be open to both the petitioner as well as the National Investigation Agency, to approach this Court for any further modification of this order, even before the next date of hearing.

//TRUE COPY//

Sd/- M. NAVEEN CHANDRA
ASSISTANT REGISTRAR

ATZ

To

For /

SECTION OFFICER

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)
5. One CC to Sri S. Goutham, Advocate [OPUC]
6. Two CCs to GP for Home, High Court of A.P. (OUT)
7. One CC to Sri.N.Harinath, Assistant Solicitor General, (OPUC)
8. One spare copy

SRL

HIGH COURT

RRRJ

DATED:06/05/2021

NOTE: POST ON 28.06.2021

ORDER

WP.No.7867 of 2021

DIRECTION

