

(SHOW CAUSE NOTICE BEFORE ADMISSION)

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
FRIDAY, THE SEVENTEENTH DAY OF APRIL**

TWO THOUSAND AND TWENTY SIX

:PRESENT:

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 3121 OF 2026



Between:

The State of Andhra Pradesh, Through the Inspector of Police, Kuppam Urban Police Station, Chittoor District, Represented by its Public Prosecutor, High Court of A.P., at Amaravati.

Petitioner/Complainant

AND

1. Pudi Srihari, S/o Simhachalam Naidu, aged 49 years, Occ State General Secretary (media) in YSRCP R/o. Mamidipalli Village, Devarapalli Mandal, Anakapalli District.

...Respondent/ Accused No. 2

2. Vinod Kumar Murthy, S/o. Murthy, aged 36 years, R/o. D. No. 3-12, Kathimanipalli (V), Kamathamuru Ward, Kuppam Municipality, Chittoor District.

Respondent/Defacto Complainant

WHEREAS the Petitioner/Accused above named through Public Prosecutor presented this Petition under Section 528 of BNSS praying that in the circumstances stated in the affidavit filed in support of the Criminal Petition, the High Court may be pleased to quash the Order dated 16.04.2026 passed by the Hon'ble Additional Judicial Magistrate of First Class, Kuppam in Crime No. 76 of 2026 of Kuppam Police Station and consequently direct the learned magistrate to accept the remand of the 1st respondent/Accused No.2

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Sri D.Srinivas, learned Advocate General appearing for the State, directed issue of notice to the Respondents herein to show cause as to why this CRIMINAL PETITION should not be admitted.

You viz:

1. Pudi Srihari, S/o Simhachalam Naidu, aged 49 years, Occ State General Secretary (media) in YSRCP R/o. Mamidipalli Village, Devarapalli Mandal, Anakapalli District.
2. Vinod Kumar Murthy, S/o. Murthy, aged 36 years, R/o. D. No. 3-12, Kathimanipalli (V), Kamathamuru Ward, Kuppam Municipality, Chittoor District.

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the memorandum of grounds filed therewith(copy enclosed) this **CRIMINAL PETITION** should not be admitted on or before 21.04.2026 to which date the case stands posted for hearing.

IA NO: 1 OF 2026

Petition under Section 528 of BNSS is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to permit the police to arrest the respondent herein i.e., accused No. 2 in Crime No. 76 of 2026 of Kuppam Police Station and to produce him before the Hon'ble AJFCM, Kuppam, pending disposal of CRLP No. 3121 of 2026, on the file of the High Court.

IA NO: 2 OF 2026

Petition under Section 528 of BNSS praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of the Order dated 16.04.2026 passed by the Hon'ble Additional Judicial Magistrate of First Class, Kuppam in Crime No. 76 of 2026 of Kuppam Police Station, pending disposal of CRLP No. 3121 of 2026, on the file of the High Court.

The Court made the following order:

"Issue notice to the Respondent Nos.1 and 2.

The State is permitted to take out personal notice on the Respondent Nos.1 and 2 and file proof to that effect.

Heard Sri D. Srinivas, learned Advocate General appearing for the State/Petitioner.

***Ex facie*, the impugned orders dated 15.04.2026 and 16.04.2026 respectively, refusing to remand Respondent No.1/Accused No.1 in CrI.P. No. 3081 of 2026 and Respondent No.1/Accused No.2 in CrI.P. No. 3121 of 2026 to judicial custody for a period of 14 days, as requested by the Investigating Officer through the remand report dated 15.04.2026, suffers from two major infirmities.**

Firstly, the learned Magistrate failed to take note of the important fact that the Investigating Officer had served notices on Accused Nos.1 and 2 under Section 35(3) of the BNSS, which were refused by them. There is evidence to that effect through the mediators, namely M. Prakash and B.A. Srinivas.

Secondly, the learned Magistrate failed to consider the reasons assigned by the Investigating Officer for arresting the accused, namely that they have been maintaining various social media platforms such as Facebook, Instagram, Twitter, WhatsApp, and fourteen different email

accounts, and have been continuously indulging in the alleged offences without any lawful justification.

Indeed, the impugned order does not reflect consideration of these aspects. It appears that the learned Magistrate has mechanically refused to authorize remand and declined judicial custody merely by citing the judgment of the Hon'ble Apex Court in *Arnesh Kumar v. State of Bihar*¹.

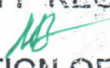
It is also apposite to refer to the judgment of the Division Bench of this Court in *Mohammad Jamal v. State of Andhra Pradesh*², wherein at paragraphs 7 and 8 it is held that when an accused fails to appear before the police officer or fails to comply with the terms of the notice issued under Section 35(3) of the BNSS, the Investigating Officer is empowered to arrest the accused.

Therefore, the impugned remand orders are liable to be suspended until further orders.

List on 21.04.2026."

//TRUE COPY//

For

SD/-U.SRI DEVI
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The Additional Judicial Magistrate of First Class, Kuppam, Chittoor District
2. The Station House officer, Kuppam Police Station, Chittoor District
3. Pudi Srihari, S/o Simhachalam Naidu, aged 49 years, Occ State General Secretary (media) in YSRCP R/o. Mamidipalli Village, Devarapalli Mandal, Anakapalli District.

¹(2014) 8 SCC 273

² W.P.No.25514 of 2024 dated 10.12.2025

4. Vinod Kumar Murthy, S/o. Murthy, aged 36 years, R/o. D. No. 3-12, Kathimanipalli (V), Kamathamuru Ward, Kuppam Municipality, Chittoor District.(3 & 4 by RPAD- along with a copy of petition and memorandum of grounds)
5. One CC to Sri D.Srinivas, Advocate General, High Court of AP [OPUC]
6. Two CCs to Public Prosecutor, High Court of A.P[OUT]
7. One CC to Sri Ramalakshmana Reddy Sanepalli Advocate [OPUC]
8. **One spare copy**

HIGH COURT

DR.YLR,J

DATED:17/04/2026

LIST ON 21.04.2026

NOTICE BEFORE ADMISSION

CRLP.No.3121 of 2026

DIRECTION

