

**HIGH COURT OF ANDHRA PRADESH:: AMARAVATI**

**MAIN CASE NO.: CrI.P.No.8255 of 2025**

**PROCEEDING SHEET**

| <b>Sl. No.</b> | <b>Date</b> | <b>ORDER</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>OFFICE NOTE</b> |
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|                | 07.08.2025  | <p><b><u>Dr.VJP,J</u></b></p> <p>Heard the learned counsel for the Petitioners/A1 to A5.</p> <p>Learned Assistant Public Prosecutor takes notice for the State/ Respondent No.1.</p> <p>Learned counsel for the Petitioners 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 <b><i>Arnesh Kumar v. State of Bihar</i></b><sup>1</sup> reported in (2014) 8 SCC 273, since Section 35(3) of BNSS is <i>pari materia</i> to Section 41-A of the Code of Criminal Procedure.</p> <p>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 BNSS since the offences are punishable with an imprisonment of below seven years.</p> <p>Considering the submissions, that there is a decree in favour of the petitioners, the Police are</p> |                    |

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<sup>1</sup> (2014) 8 SCC 273

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|  |  | <p>directed to follow the guidelines issued by the Hon'ble Apex Court in <b><i>Arnesh Kumar v. State of Bihar</i></b> (referred supra) scrupulously and the investigation may go on.</p> <p>Issue notice to Respondent No.2.</p> <p>Learned counsel for the Petitioners is permitted to take out personal notice on Respondent No.2 through RPAD/Courier and file proof of the same.</p> <p>List the matter on 06.11.2025.</p> <p style="text-align: right;"><u>Dr.VJP, J</u></p> <p>UPS</p> |  |
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