

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
WEDNESDAY, THE SEVENTEENTH DAY OF AUGUST,
TWO THOUSAND AND TWENTY TWO

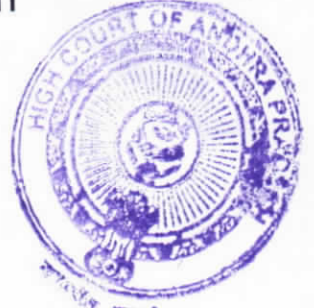
: PRESENT:

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA

IA No. 1 OF 2022

IN

CRLP NO: 6315 OF 2022



Between:

1. Pathapati Sudha Rani, W/o. Pedda Kantha Rao, Aged about 45 years, R/o. 7-25, Vellaturu, G. Konduru (M), Krishna District (Accused No.2)
2. Pathapati Pedda Kantha Rao, S/o Lakshmaiah, Aged about 51 years, R/o. 7-25, Vellaturu, G. Konduru (M), Krishna District (Accused No.3)
3. Pathapati Nagaraju, S/o. Pedda Kantha Rao, Aged about 23 years, R/o. 7-25, Vellaturu, G. Konduru (M), Krishna District (Accused No.4)
4. Katam Vasantha, D/o. Katam Abraham Aged about 19 years, R/o. 7-25, Vellaturu, G. Konduru (M), Krishna District (Accused No.5)
5. Pathapati Venkateswara Rao, S/o. Pathapati Lakshmaiah Aged about 46 years, R/o. 7-19, Vellaturu, G. Konduru (M), Krishna District (Accused No.6)

Petitioners/Accused

AND

1. The State of Andhra Pradesh, Rep. by its Public Prosecutor, High Court of Andhra Pradesh at Amaravati
2. The Station House Officer, Agiripalli Police Station, Krishna District.
3. Golla Jyotsna, D/o. Nagendra Rao, Aged about 19 years, R/o. Eedara Village, Agiripalli Mandal, Krishna District

Respondents

Counsel for the Petitioners: M/S B CHANDRA SHEKHAR

Counsel for the Respondent No.1 & 2: PUBLIC PROSECUTOR

Petition under Section 482 of Cr.P.C, praying that in the circumstances stated in the memorandum of grounds filed in support of the petition, the High Court may be pleased to stay of all the further proceedings including arrest of the Petitioners herein/A2-A6 in crime no. 298/2022 dt.25.07.2022 on the file of the 2nd Respondent, pending disposal of CRLP No.6315 of 2022, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER

“Considering the submission made and perusing the material on record, prima facie, the ingredients of section 376(2)(h) of IPC are not attracted against the petitioners/ A.2 to A.6.

In view of the same, the Police are directed to follow the procedure contemplated under Section 41-A of Criminal Procedure Code, 1976 and the guidelines issued by the Hon’ble Supreme Court in Arnesh Kumar v. State of Bihar, (2014) 8 SCC 273, in so far as the petitioners/A.2 to A.6 are concerned.

However, further investigation may go on.”

SD/-K.TATARAO

DEPUTY REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Station House Officer, Agiripalli Police Station, Krishna District.
2. Golla Jyotsna, D/o. Nagendra Rao, Aged about 19 years, R/o. Eedara Village, Agiripalli Mandal, Krishna District(By RPAD)
3. One CC to M/s. B Chandra Shekhar, Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court of Andhra Pradesh. [OUT]
5. One spare copy

SP

HIGH COURT

NJSJ

DATED: 17/08/2022

ORDER

IA No. 1 OF 2022
IN
CRLP NO: 6315 OF 2022

INTERIM DIRECTION

