

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

FRIDAY, THE FOURTH DAY OF OCTOBER

TWO THOUSAND AND TWENTY FOUR



:PRESENT:

THE HONOURABLE SMT JUSTICE VENKATA JYOTHIRMAI PRATAPA

IA No. 2 OF 2024

IN

CRLP NO: 7007 OF 2024

Between:

1. Kondeti Venkata Ramana, S/o Late Subbi Reddeppa, Aged about 78 years, R/o 3-12A, Buchireddigari Palli, Vayalpad Mandal, Chittoor, Andhra Pradesh-517277.
2. Rayarapu Vasantha, W/o Rayarapu Venkataswamy, Aged about 44 years, R/o 2-385-1, Beldari Colony, Thamballapalli Mandal, Chittoor, Andhra Pradesh-517418.
3. N. Hemalatha, W/o N. Jagadish, Aged about 31 years, R/o Near Kothapeta Darga, Pileru Mandal, Chittoor, Andhra Pradesh

...Petitioners/Accused Nos.4 to 6

AND

1. The State of Andhra Pradesh, Represented by S.H.O, Disha U.P.S., Tirupathi District, Rep. Through the Public Prosecutor, State of Andhra Pradesh, High Court of Andhra Pradesh at Amaravati
2. N. Neelavathi,, Aged about 49 years, W/o. K. Srinivasulu, Occ: Govt Servant, R/o H.NO.20-02-498/28/A1, Block-2, Korlagunta, Tirupathi, Andhra Pradesh.

...Respondents/Complainant

Counsel for the Petitioner :AJAY KUMAR KANAPARTHI

Counsel for the Respondent :PUBLIC PROSECUTOR

Petition under Section 482 of Cr.P.C r/w 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 grant stay of all further proceedings, including stay of arrest of the Petitioners herein in F.I.R.No.57 of 2024 dated 29.06.2024, on the file of Disha U.P.S, Tirupathi District, pending disposal of the above Criminal Petition of CRLP No. 7007 of 2024, 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). The Court made the following

ORDER

“Heard Sri Ajay Kumar Kanaparthi, learned counsel for the Petitioner(s).

Sri C.Panini Somayaji, learned Assistant Public Prosecutor takes notice for the State/ Respondent No.1.

Learned counsel for the Petitioner(s) 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 Arnesh Kumar v. State of Bihar reported in (2014) 8 SCC 273, since Section 35(3) of BNSS is pari materia to Section 41-A of the Code of Criminal Procedure.

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 Act since the offences are punishable with an imprisonment of below seven years.

In that view, the Police are directed to follow the guidelines issued by the Hon'ble Apex Court in Arnesh Kumar v. State of Bihar (referred supra) scrupulously."

//TRUE COPY

Sd/- K.J.RAJA BABU
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The SHO, Disha Urban Police Station, Tirupathi District.
2. N. Neelavathi, Aged about 49 years, W/o. K. Srinivasulu, Occ: Govt Servant, R/o H.NO.20-02-498/28/A1, Block-2, Korlagunta, Tirupathi, Andhra Pradesh.(By RPAD)
3. One CC to SRI. AJAY KUMAR KANAPARTHI Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR , High Court of A.P., Amaravati [OUT]
5. One spare copy

HIGH COURT

VJP,J

DATED:04/10/2024

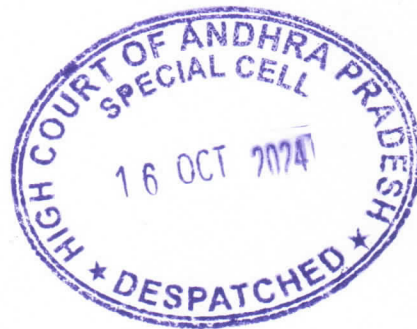
LIST THE MATTER AFTER SIX (6) WEEKS.

ORDER

IA.NO.2 OF 2024

IN

CRLP.No.7007 of 2024



DIRECTION