

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

TUESDAY ,THE FIFTEENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE B V L N CHAKRAVARTHI

IA No. 1 OF 2024

IN

CRLP NO: 7183 OF 2024



Between:

1. DR H REKHA PRASANTHI MANI MAYURI, W/o.Eppagunta Hashwanth Reddy, D/o. H.S.Prabhakar Rao, aged about 29 years, Occ-Student-Post Graduation, MS(OBGY) R/o. Plot N0.23/24P, Surya Avenue, Water Tank Road, Yapral, Medchal Malkajgiri District, Secunderabad.

(A-1)

2. Haridasu Satya Prabhakar Rao, (A-2) S/o. Late Hari Babu, Aged about 59 years, Occ- Bank Employee, R/o. Plot No.23/24P, Surya Avenue, Water Tank Road, Yapral, Medchal Malkajgiri District, Secunderabad.

(A-2)

3. Mrs.H.Vijaya Nagalaxmi, (A2) W/o. Haridasu Satya Prabhakar Rao, Aged about 55 years, Occ- Housewife, R/o. Plot N0.23/24P, Surya Avenue. Water Tank Road, Yapral, Medchal Malkajgiri District, Secunderabad.

(A-3)

4. Haridasu Lalith Prasad, S/o. Haridasu Satya Prabhakar Rao, Aged about 26 years, Occ-Private Employee, R/o. Plot N0.23/24P, Surya Avenue, Water Tank Road, Yapral, Medchal Malkajgiri District, Secunderabad.

(A-4)

5. Thota Hanumatha Rao, S/o. Late T.V.R.Naidu, Aged about 78 years, Occ-Retired Employee, R/o. Flat No. 101, Sri Sai Nilayam Apartments, H.No. 6-3-322/101, Hasthinapuram Colony, Sainikpuri, Secunderabad.

(A-5)

6. Thota Kasturi Bai, W/o. Thota Hanumatha Rao, Aged about 74 years, Occ-Housewife, R/o. Flat No. 101, Sri Sai Nilayam Apartments, H.No. 6-3-322/101, Hasthinapuram Colony, Sainikpuri, Secunderabad.

(A-6)

Petitioners/Accused No.1 to 6

AND

1. THE STATE OF ANDHRA PRADESH, Rep. by its Public Prosecutor, High Court of Andhra Pradesh At Amaravati.
2. Dr. Eppagunta Hashwanth Reddy, S/o. E. Narasimha Reddy, aged about 32 years, Occ: Doctor, R/o. H.no.27-1-350, Supriya Nilayam, Ramjinagar, Nellore District, Nellore, Andhra Pradesh.

Respondents/Complainant

Counsel for the Petitioner : Sri Y KOTESWAR RAO

Counsel for the Respondent No.1:PUBLIC PROSECUTOR

Petition under Section 528 of BNSS, 2023(Section 482 of Cr.P.C), praying that in the circumstances stated in the memorandum of grounds filed in support of the Criminal Petition, the High Court may be pleased to Direct the police to follow the guidelines of Hon'ble Supreme Court in ease of Arnesh Kumar, Pending disposal of CRLP No. 7183 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).

ORDER

“Heard learned counsel for the petitioners and learned Assistant Public Prosecutor representing for the State.

Learned counsel for the petitioners would submit that the alleged offence covered by the F.I.R.No.214 of 2024 of Balajinagar Police Station, SPSR Nellore District, is punishable with less than seven (07) years of imprisonment.

In that view of the matter, the 1st Respondent /police are directed to follow the procedure as contemplated under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 41-A Cr.P.C., scrupulously as per the guidelines enunciated in Arnesh Kumar Vs. State of Bihar and another((2014) 8 SCC 273).

Accordingly, the application is ordered.”

Sd/- SK. MD. RAFI
ASSISTANT REGISTRAR

//TRUE COPY//

For /  SECTION OFFICER

To,

1. The SHO.,Balajinagar Police Station, Sri Potti Sriramulu Nellore District.
2. Dr. Eppagunta Hashwanth Reddy, S/o. E. Narasimha Reddy, aged about 32 years, Occ: Doctor, R/o. H.no.27-1-350, Supriya Nilayam, Ramjinagar, Nellore District, Nellore, Andhra Pradesh.
3. One CC to SRI. Y KOTESWAR RAO Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR, High Court of A.P[OUT]
5. One spare copy.

psk

HIGH COURT

BVLNC,J

DATED:15/10/2024

POST AFTER FOUR WEEKS

IA No. 1 OF 2024
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DIRECTION

