

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
THURSDAY, THE TWENTY THIRD DAY OF OCTOBER,
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA



IA No. 2 OF 2025

IN

CRLP NO: 10867 OF 2025

Between:

1. Smt Shaik Gousiya Sulthana, W/o. Shaik Ahmed Basha House wife, Age 45 Years, R/o. H.No.5-601, Dr. Gaffer Street, Kurnool Town, Kurnool District, Andhra Pradesh, Pin 518001
2. Shaik Sharooq Basha, S/o. S. Anwar Basha, Student, Age 31 Years, R/o. H.No.57-66, Rangareddy Gate, Kurnool Town, Kurnool District Andhra Pradesh, Pin 518001

...Petitioners/Accused No.2 & 5

(Petitioner in CRLP 10867 OF 2025

on the file of High Court)

AND

1. The State of Andhra Pradesh, Rep. by its Public Prosecutor, High Court of Andhra Pradesh at Amaravathi
2. Sri Chinna Parameswara Reddy, S/o. Late Chinna Venkata Reddy, Age 72 Years, R/o. H.No.2/5, J. Kothapalli Village, YSR Kadapa District Andhra Pradesh, Pin 516411.

...Respondents/Defacto Complainant

(Respondents in-do-)

Counsel for the Petitioner : Sri Shaik Javvad Ur Rahaman

Counsel for the Respondent No.1: Public Prosecutor

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 issue 35(3) B.N.S.S Notice, subsequently stay all further proceedings against the petitioners including arrest of the Petitioners/Accused No.2 & 5 herein in Crime No. 269 of 2025, dated 08- 07-2025 in the file of

Kurnool Taluka PS, Kurnool District for the offences under Sections 336(3), 340(2), 318(4) r/w 3(5) BNS Pending disposal of CRLP No. 10867 of 2025, 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.

Learned counsel for the petitioners would submit that 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) 8SCC 273, since Section 35(3) of BNSS is pari material to Section 41-A of the Code of Criminal Procedure.

Learned Assistant Public Prosecutor fairly conceded the same and would 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's Case (supra) Scrupulously.

**SD/- T. SRINIVASA RAO
ASSISTANT REGISTRAR**

//TRUE COPY//

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SECTION OFFICER

To,

1. The Kurnool Taluka PS, Kurnool District
2. Sri Chinna Parameswara Reddy, S/o. Late Chinna Venkata Reddy, Age 72 Years, R/o. H.No.2/5, J. Kothapalli Village, YSR Kadapa District Andhra Pradesh, Pin 516411. (By **RPAD**)

3. One CC to SRI. SHAIK JAVVAD UR RAHAMAN Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR, High Court of A.P [OPUC]
5. One spare copy

HIGH COURT

DR.VJP,J

DATED:23/10/2025

ORDER

CRLP.No.10867 of 2025

DIRECTION

