

 [3396]

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
WEDNESDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA
CRIMINAL PETITION NO: 12494 OF 2025

Between:

Bathula Chandra Sekhar, S/o. Sambasiva rao, 50 Yrs, R/o. Near NTR
Complex, 20th ward, Sattenapalli town and Mandal, Palnadu dist

Petitioner

AND

1. The State of Andhra Pradesh, Rep. its Public Prosecutor, High Court of Andhra Pradesh at Amaravati
2. Chilaka Chanti Babu, S/o.Samuel, Aged about 36 years, caste-Madiga, R/o.Raghuram Nagar, Sattenapalli town and Mandal, Palnadu District.

Respondent(s)/Defacto Complainant

WHEREAS the Petitioner above named through his Advocate Sri SESHAGIRI RAO ULLAM, presented this Petition under Section 528 of B.N.S.S. (under section 482 of Cr.P.C), praying that in the circumstances stated in the affidavit filed in support of the Criminal Petition, the High Court may be pleased to quash the FIR No.219/2025 dated 01.08.2025 In the Sattenapalli Town Police station, at Sattenapalli, Palnadu District, filed under sections 351(2),79 BNS,3(1)(r),3(1)(s),3(2)(va) SC-ST(POA) Act. Against the petitioner herein;

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Sri SESHAGIRI RAO ULLAM, Advocate for the Petitioner, and of Public Prosecutor for Respondent No.1 directed issue of notice to the Respondent

No.2 herein to show cause as to why this CRIMINAL PETITION should not be admitted.

You viz:

Chilaka Chanti Babu, S/o.Samuel, Aged about 36 years, caste-Madiga,
R/o.Raghuram Nagar, Sattenapalli town and Mandal, Palnadu District.

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this CRIMINAL PETITION should not be admitted, on or before 15.07.2024, on which date the case stands posted for hearing.

IA NO: 2 OF 2025

Petition under Section 528 of B.N.S.S. (under section 482 of Cr.P.C), is filed praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to stay all proceedings against the petitioner in FIR No.219/2025 dated 01.08.2025 In the Sattenapalli town Police station, at Sattenapalli, Palnadu District filed under sections 351 (2),79 BNS,3(1)(r),3(1)(s),3(2)(va) SC-ST(POA) Act. including the presence of the petitioner at the time of trial, pending disposal of CRLP No. 12494 of 2025, on the file of the High Court.

The Court made the following ORDER:

Heard the learned counsel for the Petitioner.

Learned Assistant Public Prosecutor takes notice for the State.

Learned counsel for the Petitioner 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 Bihar¹ 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.

¹ (2014) 8 SCC 273

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.

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.

Learned Assistant Public Prosecutor seeks time to get instructions regarding if any issued relating to compassionate appointment is pending and what is the relation with the petitioner regarding that issue.

Issue notice to Respondent No.2.

Learned counsel for the Petitioner is permitted to take out personal notice on Respondent No.2 through RPAD/Courier and file proof of the same.

List the matter on 10.12.2025.

SD/- T. SRINIVASA RAO
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

For

To,

1. The Station House Officer, Sattenapalli town Police station, at Sattenapalli, Palnadu District.
2. Chilaka Chanti Babu, S/o.Samuel, Aged about 36 years, caste-Madiga, R/o.Raghuram Nagar, Sattenapalli town and Mandal, Palnadu District.
(by RPAD- along with a copy of petition and memorandum of grounds)
3. One CC to SRI. SESHAGIRI RAO ULLAM Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court of AP [OUT]
5. One spare copy

KJ

HIGH COURT

DR.VJP,J

DATED:03/12/2025

LIST THE MATTER ON 10.12.2025.

NOTICE BEFORE ADMISSION

CRLP.No.12494 of 2025

DIRECTION

