

HIGH COURT OF ANDHRA PRADESH :: AT AMARAVATHI

MAIN CASE No: CrI.P.No.12545 of 2025

PROCEEDING SHEET

<u>SL. NO.</u>	<u>DATE</u>	<u>ORDER</u>	<u>OFFICE NOTE</u>
01.	04.12.2025	<u>Dr.VJP, J</u> <u>I.A.No. 1 of 2025</u> Dispensed with for the present. <u>CrI.P. No.12545 of 2025</u> Heard the learned counsel for the Petitioners/accused Nos.1 to 4. Learned Assistant Public Prosecutor takes notice for the State. Learned counsel for the petitioners/accused Nos.1 to 4 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 <i>Arnesh Kumar v. State of Bihar</i>¹ reported in (2014) 8 SCC 273, since Section 35(3) of BNSS is <i>pari materia</i> 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 since the offences are punishable with an imprisonment of below	

¹ (2014) 8 SCC 273

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		seven years. In that view, the Police are directed to follow the guidelines issued by the Hon'ble Apex Court in <i>Arnesh Kumar v. State of Bihar</i> (referred supra) scrupulously. Considering the submissions, the presence of the petitioners/A1 to A4, before the Trial court is dispensed with unless their presence is specifically directed by the Trial Court. Police are further directed to follow due process of law regarding the presence of the petitioners herein. 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 05.02.2026. <u>Dr.VJP, J</u> M K K	

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