

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND TWENTY SIX

:PRESENT:

THE HONOURABLE SMT JUSTICE T.MADHAVI DEVI

WP NO: 21436 OF 2026

Between

Karasala Nagalakshimi, W/o. K.Salmon Raju

.....Petitioner

AND

1. The State of Telangana, Rep. by its Principal Secretary, Home Department, Secretariat Building, Hyderabad.
2. The Commissioner of Police, Cyberabad Commissionerate, Hyderabad.
3. The Station House Officer, Bachupally Police Station, Cyberabad Commissionerate, Hyderabad.
4. Sub-Inspector of Police, Bachupally Police Station, Cyberabad Commissionerate, Hyderabad.

.....Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring inaction of the 4th Respondent in forcing the Petitioner to attend the Police Station physically by not considering the health condition of the Petitioner as being inhuman, illegal, arbitrary and contrary to the law established, and consequently, direct the Respondent no.4 to consider the representation of the Petitioner through e-mail dated 03-07-2026 by either conducting investigation through online video conference or grant time till the Petitioner is recovered;

I.A. NO: 2 OF 2026

Petition under Section 151 of C.P.C praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the 4th Respondent to exempt the Petitioner to appear physically on 06-07-2026 in the Police Station and also not take any coercive steps against the Petitioner by considering the representation dated 03-07-2026 sent through e-mail, Pending disposal of WP No 21436 of 2026, on the file of the High Court.

I.A. NO: 1 OF 2026

Petition under Section 151 of C.P.C praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the 4th Respondent to exempt the Petitioner to appear physically in the Police Station and also not take any coercive steps against the Petitioner till the Petitioner is fully recovered as prescribed by the medical practitioner, pending disposal of WP No.21436 of 2026, on the file of the High Court.

The petition coming on for hearing, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Sai Teja Kambalapally, Advocate for the Petitioner and Asst. Government Pleader for Home for the Respondents, the Court made the following.

ORDER:

This matter is moved by way of a lunch motion.

Challenging the action of respondent No.4 in forcing the petitioner to attend police station physically without considering the health condition of the petitioner, this Writ Petition has been filed.

Learned counsel for the petitioner submitted that the petitioner has undergone a surgery and therefore, she is unable to attend the police station and that in spite of the petitioner sending an e-mail furnishing all her medical reports and requesting respondent No.4 to give her some time to appear, respondent No.4 sent police constables to her house on 04.07.2026 night around 8 pm and had taken her signatures on some papers and handed her a notice under Section 35(3) BNSS and demanded her to appear before the police station on 06.07.2026 physically irrespective of her health condition.

Learned Assistant Government Pleader for Home has forwarded a copy of the notice issued to the petitioner under Section 35(3) BNSS dt.04.07.2026 in respect of FIR No.876 of 2025 dt.28.08.2025 on the file of Police Station, Bachupally.

Learned counsel for the petitioner pointed out that the said notice is not in accordance with the directions/guidelines of the Hon'ble Supreme Court in the case of *Arnesh Kumar Vs. State of Bihar and another* [(2014) 8 SCC 273] and para 11.6 thereof, wherein the Hon'ble Supreme Court observed that notice of appearance in terms of Section 41-A CrPC be served on the accused within two weeks from the date of institution of the case, which may be extended by the Superintendent of Police of the district, for the reasons to be recorded in writing.

Learned Assistant Government Pleader for Home is, therefore, directed to get instructions whether these guidelines have been followed in this case.

List this matter on 13.07.2026 in Adjourned Motion List.

In the meantime, the respondents are directed not to call the petitioner to the police station in respect of the subject FIR/Crime Number.

//TRUE COPY//

**Sd/- L.VIJAYA LAKSHMI
ASSISTANT REGISTRAR**

SECTION OFFICER

To,

1. The Principal Secretary, Home Department, Secretariat Building, Hyderabad.
2. The Commissioner of Police, Cyberabad Commissionerate, Hyderabad.
3. The Station House Officer, Bachupally Police Station, Cyberabad Commissionerate, Hyderabad.
4. Sub-Inspector of Police, Bachupally Police Station, Cyberabad Commissionerate, Hyderabad.
[Addresses 1 to 4 By SPAD]
5. One CC to Sri SAI TEJA KAMBALAPALLY, Advocate [OPUC]
6. Two CCs to GP FOR HOME, High Court for the State of Telangana, at Hyderabad [OUT]
7. One spare copy

HIGH COURT

TMD, J

DATED: 06-07-2026

ORDER



WP.No.21436 of 2026

DIRECTION