

HIGH COURT FOR THE STATE OF TELANGANA  
(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER  
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION NO: 35943 OF 2021

**Between:**

Jogiparthi Mukkanteswara Rao, S/o. Venkatramaiyah, Age- 50 Years, Occ- Business, R/o. H.No. 11-80/1, Johnpahad Road, Piduguralla, Guntur District, Andhra Pradesh state.

...PETITIONER

AND

1. The State of Telangana, represented by its Principal Secretary, Home (Police) Department Secretariat Buildings, Hyderabad.
2. The Superintendent of Police, Nalgonda, Nalgonda District.
3. The Station House officer, Chandur Police station, At Chandur, Nalgonda District.
4. Md Habeeb, S/o. Janimiya, Age- 47 Years, Occ- working as Revenue Inspector (Civil Supplies) at Nampally, R/o, Nampally Town and Mandal, Nalgonda District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed there with, the High Court may be pleased to issue an appropriate writ, order or direction, more in the nature of Writ of Mandamus, declaring the action of the respondent no. 3 in interfering with the personally liberty of the petitioner by everyday calling the petitioner to the Police Station without there being shown petitioner is as an accused in the Crime No.206 of 2021, dated.01-12-2021, on the file of Chandur Police station, Nalgonda District, calling the petitioner to the police station and making them to sit hours together as being illegal, arbitrary and is in violation of article 21 of the Constitution of India even without following the law declared by the Hon'ble Supreme Court as being illegal, arbitrary and is in violation of Article 21 of the Constitution of India and consequently please direct to 3rd respondent to following the guidelines issued by the Honble Supreme Court in the judgment of Arnesh Kumar Vs. state of Bihar if shown the petitioner is as an accused in the above crime, pending disposal of the above writ petition

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondent no. 3 not to interfere with the personal liberty of the petitioner by everyday calling the petitioner to the Police Station without there being shown petitioner as an accused in the Crime No.206 of 2021, dated.01-12-2021, on the file

of Chandur Police station, Nalgonda District., if the 3rd respondent shown petitioner is as an accused in the above crime, please direct to 3rd respondent to following the guidelines issued by the Honble Supreme Court in the judgment of Arnesh Kumar Vs. state of Bihar, pending disposal of the above writ petition

**Counsel for the Petitioner** : SRI. LAXMAIAH KANCHANI

**Counsel for the Respondents Nos. 1 to 3** : ASSISTANT GP FOR HOME

**Counsel for the Respondents No. 4** :--

**The Court made the following** : ORDER

THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.35943 of 2021

ORDER:

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Home.

2. The grievance of the petitioner is that the respondent No.3 is interfering with the liberty of the petitioner by calling him to the police station everyday in connection with Cr.No.206 of 2021 registered by the Chandur Police Station, Nalgonda, wherein the petitioner is not arrayed as an accused.

3. Learned Assistant Government Pleader for Home submitted that there is no interference by the respondent No.3 with the life and liberty of the petitioner.

4. Recording the above submissions, the writ petition is disposed of directing the respondent No.3 to follow the procedure contemplated under Section 41-A Cr.P.C. and the guidelines issued by the Supreme Court in **ARNESH KUMAR v. STATE OF BIHAR<sup>1</sup>**, in case, a crime is registered against the petitioner and if he is required for the purpose of investigation.

Pending miscellaneous petitions, if any, shall stand closed.  
There shall be no order as to costs.

(21/11/2021) 85CC 273

//TRUE COPY//

SD/-K.SAILESHI  
ASSISTANT REGISTRAR

GP

SECTION OFFICER

To,

1. Principal Secretary Home (Police) Department, The State of Telangana, Secretariat Buildings, Hyderabad.
2. The Superintendent of Police, Nalgonda, Nalgonda District.
3. The Station House officer, Chandur Police station, At Chandur, Nalgonda District. *Costs/-*

4. Md Habeeb, S/o. Ianimiya, Age- 47 Years, Occ- working as Revenue Inspector (Civil Supplies) at Nampally, R/o. Nampally Town and Mandal Nalgonda District.
5. One CC to SRI. LAXMAIAH KANCHANI Advocate [OPUC]
6. Two CCs to GP I OR HOME ,High Court for the State of Telangana At Hyderabad. [OUT]
7. Two cd copies
8. One spare copy

MsJ

SW

**HIGH COURT**

**DATED:31/12/2021**

**ORDER**

**WP.No.35943 of 2021**



**DISPOSING OF THE WRIT PETITION  
WITHOUT COSTS**

*ADM 10*  
17/1/2022