



2025:UHC:5513

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>WPCRL No.681 of 2025 <u>Hon'ble Pankaj Purohit, J.</u> Mr. Jitendra Chaudhary, learned counsel for petitioners.</p> <p>2. Mr. Bhaskar Chandra Joshi, learned A.G.A. for State of Uttarakhand/ respondent Nos.1 and 2.</p> <p>3. By means of this criminal writ petition, petitioners have put to challenge the FIR No.0269 of 2025 dated 14.06.2025, for the offences punishable under Sections 115(2), 191(1), 191(2) and 352 of the B.N.S. Act, 2023, registered with P.S. Jaspur, District Udham Singh Nagar.</p> <p>4. After arguing a while, learned counsel for the petitioners has limited his argument to the extent that the Investigating Agency should comply with the guidelines given in <u>Arnesh Kumar Vs. State of Bihar and Another</u> reported in <u>(2014) 8 SCC 273</u>.</p> <p>5. Since the offences under Sections 115(2), 191(1), 191(2) and 352 of the B.N.S. Act, 2023, carry a punishment maximum to seven years, therefore, before resorting to any arrest a prior notice under Section 35(3) of the B.N.S.S., 2023 (under Section 41A of Cr.P.C.) is necessary to be issued to the petitioners. Hence, it is provided that</p>



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			<p>before taking any coercive measures against petitioners, the Investigating Officer shall abide by procedure given under Section 35(3) of the BNSS Act, 2023 (under Section 41A of Cr.P.C.).</p> <p>6. Accordingly, the criminal writ petition stands disposed of.</p> <p>7. Pending application, if any, also stands disposed of.</p> <p style="text-align: right;">(Pankaj Purohit, J.) 30.06.2025</p> <p>PN</p>
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