

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
FRIDAY, THE THIRD DAY OF MARCH,
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY
CRIMINAL PETITION NO: 1685 OF 2023



Between:

Smt. Ponguru Ramadevi, W/o. P. Narayana, aged 56 years, R/o. Flat No.2600, Belmont Block, Bellezza Apartment, Near RTO Office, Kukatpally, Medchal-Malkajgiri District, Hyderabad-500 072.

...Petitioner

AND

The State of Andhra Pradesh, Through The Additional Superintendent of Police, Economic Offences Wing-II (EOW-II), Crime Investigation Department, Tadepalli, Guntur District, Andhra Pradesh, Rep. by its Special Public Prosecutor/ Standing Counsel, For CID cases, High Court of Andhra Pradesh, Amaravathi.

...Respondent

Petition under Section 482 of Cr.P.C is filed praying that in the circumstances stated in memorandum of grounds of Criminal Petition, the High Court may be pleased to quash Notice dated 28-02-2023 issued by the Investigation Officer/ Additional Superintendent of Police, EOW-II, CID, AP, Tadepalli to the petitioner in connection with Cr.No.16 of 2022 of CID, PS, AP, Mangalagiri.

IA NO: 2 OF 2023

Petition under Section 482 of Cr.P.C is filed praying that in the circumstances stated in memorandum of grounds of criminal petition, the High Court may be pleased to grant stay of all further proceedings pursuant to the notice dated 28.02.2023 in connection with Cr.No.16 of 2022 of CID, PS, AP, Mangalagiri, pending disposal of CRLP.No.1685 of 2023, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and memorandum of grounds of criminal petition and upon hearing the arguments of Sri M.Lakshmi Narayana, Advocate for the Petitioner and Sri Y.L.Sivakalpana Reddy(SC CUM SPL PP,CID) for the Respondent, the Court made the following;

ORDER:

“Notice dated 28.02.2023 under Section 41-A of Cr.P.C, has been issued to the petitioner, summoning her to appear before the Additional Superintendent of Police, EOW-II, CID, Andhra Pradesh, Tadepalli on 06.03.2023 at 10.00 a.m., in connection with the investigation in Crime No.16 of 2022 of CID Police Station, Mangalagiri, Andhra Pradesh, for the offences under Sections 120B, 409, 420, 34, 35, 36, 37, 166, 167 and 217 IPC, Section 13(2) r/w 13(1)(c) & (d) of the Prevention of Corruption Act, 1988.

Learned counsel for the petitioner submitted that in the subject crime, the investigating officer issued a notice dated 08.11.2022 under Section 160 Cr.P.C to the husband of petitioner herein, directing him to appear before the respondent police on 17.11.2022, and aggrieved by same, he approached this Court by filing Criminal Petition No.9083 of 2022 to quash the said notice, and as per the directions of this Court dated 16.11.2022 in the said Criminal Petition, he was examined at his residence on 17.11.2022.

The learned counsel further submitted that the impugned notice dated 28.02.2023 is challenged by the petitioner in the present case on the ground that under the proviso to Section 160 of Cr.P.C., police officer is not authorized to summon a woman to the Police Station and that the same bar applies to notice under Section 41-A Cr.P.C also.

Therefore, considering the said submission, particularly in view of the bar contained in proviso to Section 160 Cr.P.C., and as the petitioner is now challenging the very validity of the notice issued under Section 41-A Cr.P.C, issued to the petitioner, which contention requires examination after hearing the learned Special Public Prosecutor for C.I.D., the Investigating Officer may examine the petitioner at her home during day time.

Further, police shall inform the date of investigation before one week to the petitioner and conduct investigation.

Post the matter after three (3) weeks."

Sd/- B.Chitti Joseph
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Additional Superintendent of Police, Economic Offences Wing-II (EOW-II), Crime Investigation Department, Tadepalli, Guntur District, Andhra Pradesh
2. One CC to M/s M.Lakshmi Narayana, Advocate [OPUC]
3. One CC to M/s Y.L.Sivakalpana Reddy(SC CUM SPL PP,CID) Advocate [OPUC]

4. Two CCs to Public Prosecutor, High Court of AP [OUT]
5. One spare copy

MM

HIGH COURT

SRKJ

DATED:03/03/2023

ORDER

CRLP.No.1685 of 2023

DIRECTION

