

**THE HON'BLE MS JUSTICE B.S.BHANUMATHI**

**Writ Petition No.11750 of 2023**

**ORDER :**

The Writ Petition is filed seeking the following prayer:

“... to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 3<sup>rd</sup> respondent as illegal, arbitrary, unjust, abuse of process of law and violative of fundamental rights guaranteed under Article 19, 20, 21 more particularly, it is contrary to Section 41-A Cr.P.C. and consequently direct the 3<sup>rd</sup> respondent to follow the law contemplated under Section 41-A Cr.P.C. in the presence of petitioner's counsel...”

2. Heard learned counsel for the petitioner and Sri.N.Nirmal Kumar, learned Assistant Government Pleader for Home.

3. The case of Crime No.131 of 2023 under Section 420 and 406 of IPC was registered by Konchikacherla Police Station against the petitioner/A.2 and another.

4. Learned counsel for the petitioner submitted that so far no notice has been served on the petitioner under Section 41-A Cr.P.C., though it is applicable to the present case.

5. Learned Assistant Government Pleader for Home, as per the written instructions, submitted that the petitioner is not

available to serve the notice under Section 41-A of Cr.P.C. by absconding.

6. In view of the submissions made by the learned Assistant Government Pleader for Home, the Writ Petition is disposed of recording the representation that the police are ready to serve notice under Section 41-A of Cr.P.C. on the petitioner.

Pending miscellaneous applications, if any, shall stand closed.

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**JUSTICE B.S.BHANUMATHI**

Date : 11-05-2023  
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