PRINCIPAL DISTRICT COURT : EAST GODAVARI AT RAJAMAHENDRAVARAM: DATED.07.07.2025

Hon'ble High Court's Circular No.08/2025 in ROC.No.99/SO/2023, dated.05.07.2025

// C O M M U N I C A T E D //

Scrutiny 7.7.25

PRINCIPAL DISTRICT JUDGE.

To
All the Judicial Officers in the Unit of East Godavari with a direction to follow the Circular instructions scrupulously, without fail.

Copy to
The System Officer (I/c), Principal District Court, Rajamahendravaram with a direction to upload the same in the District Court's Official Website.

DiS 6769
7/7/25

HIGH COURT OF ANDHRA PRADESH:: AMARAVATI

ROC.NO.99/SO/2023 **Date.05.07.2025**

CIRCULAR NO. 8 /2025

Sub: High Court of Andhra Pradesh – Multiple cases registered across different police stations over one social media post/comment for which maximum sentence prescribed is less than seven years -- Strict adherence to the principles laid down in ***"Arnesh Kumar v. State of bihar and another"*** by the Magistrates remanding the accused – Certain instructions – Issued.

Ref: Judgment, dated 02.07.2014 in Criminal Appeal No. 1277 of 2014 (Special Leave Petition (Crl.) No. 9127 of 2013) in ***Arnesh Kumar v. State of Bihar and another***.

* * *

It has been brought to the notice of the High Court that most of the Judicial Magistrates are remanding the accused in cases pertaining to social media postings/comments without adhering to the principles laid down in ***Arnesh Kumar v. State of Bihar*** case.

In a decision held between ***Imran Pratap Gadhi v. State of Gujarath,*** *(March 28th, 2025)* the Hon'ble Supreme Court of India with a aim to prevent misuse of criminal law to stifle free expression, while quashing FIR, held that the police before registering an FIR involving speech, writing or artistic expression (where the offences carry 3-7 years of imprisonment) must conduct a preliminary enquiry under Section 173 (3) of B.N.S.S. that such enquiry shall be preceded by an approval from Deputy Superintendent of Police that such enquiry must be concluded within fourteen (14) days.

Therefore, all the Judicial Magistrates are hereby instructed to satisfy themselves before ordering remand, particularly in cases relating to social media postings/comments that the Investigating Officer complied with the law laid down in '***Arnesh Kumar***' and '***Imran Pratap Gadhi***' cases that the accused had committed repeated and multiple offences, that the accused, if not ordered to be remanded to judicial custody, may influence the witnesses or tamper evidence that the police require custodial investigation.

All the Judicial Magistrates shall follow the circular instructions, scrupulously, and any deviation in this regard will be viewed very seriously. The Judicial Magistrates who violate the circular would render themselves liable for contempt of the High Court besides facing departmental enquiry.

REGISTRAR (JUDICIAL)

5/12/17.

To:

1. The Registrar (I.T. cum C.P.C.) with a request to direct the concerned to upload the said circular in the High Court's website.
2. All the Unit Heads in the State of Andhra Pradesh, with a request to cause circulation of the same among all the Judicial Officers working in their respective units.