PRINCIPAL DISTRICT COURT: EAST GODAVARI
AT RAJAMAHENDRAVARAM DATED 31.07.2025

CORRIGENDUM to Hon'ble High Court's Circular No.08/2025 in ROC.No.99/SO/2023, dated.29.07.2025

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

01.8.25

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. 7672
01-8-25

HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

ROC.NO.99/SO/2023 Date. 29.07.2025

CORRIGENDUM

To the text of the Circular No.8 of 2025 vide ROC.No.99/SO/2023, dated 05.07.2025, the following text is substituted.

Circular No.8 of 2025, ROC.No.99/SO/2023, dated 05.07.2025 :	**Substituted Text**
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.	Sub: High Court of Andhra Pradesh – offences under B.N.S.,2023 -- sentence less than seven years -- Strict adherence to the principles laid down in "***Arnesh Kumar v. State of Bihar and another***" *and* "***Imran Pratap Gadhi v. State of Gujarath***" by the Magistrates– 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***.	Ref: 1. 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***. 2. Judgment, dated 28.03.2025 in Crl.A.No.1545 of 2025 in ***Imran Pratap Gadhi v. State of Gujarath,*** *(2025 SCC OnLine SC 678).*
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	As per the decision rendered in case between ***Imran Prathap Ghadi V. State of Gujarat*** *(2025 SCC OnLine SC 678),* all the Judicial Magistrates are directed to ensure that the police have followed section 173 (3) of BNSS in cases pertaining to cognizable offence which carry punishment from 3 years to 7 years of imprisonment.

Communicate to all

31/7/25

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.	Therefore, all the Judicial Magistrates are hereby instructed to satisfy themselves before ordering remand in offences punishable up to seven years of imprisonment that the Investigating Officers shall comply with the law laid down in ***'Arnesh Kumar'*** and ***'Imran Pratap Gadhi'*** cases.
"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 High Court besides facing departmental enquiry."	"All the Judicial Magistrates shall follow the circular instructions, scrupulously, and any violation of the law laid down by the Hon'ble Apex Court in the cases referred supra would render themselves liable for departmental action."

REGISTRAR (JUDICIAL)
29/7/25.

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.