

ITEM NO.19.1

COURT NO.3

SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Criminal) No(s).476/2024

S. BHARGAV REDDY

Petitioner(s)

VERSUS

THE STATE OF ANDHRA PRADESH AND ORS.

Respondent(s)

(FOR ADMISSION and IA No.273597/2024-GRANT OF INTERIM RELIEF)

Date : 02-12-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) Mr. Kapil Sibal, Sr. Adv.
Mr. Ponnnavolu Sudhakar Reddy, Sr. Adv.
Mr. Siddarth Dave, Sr. Adv.
Mr. Ramesh Allanki, Adv.
Mr. Venkata Raghuvamsy D., AOR
Ms. Aruna Gupta, Adv.
Mr. Syed Ahmed Nq, Adv.
Mr. Alabhya Dhamija, Adv.
Ms. Tanisha Kaushal, Adv.
Mr. Shreevardhan Dhoot, Adv.

For Respondent(s) Mr. Sidharth Luthra, Sr. Adv.
Mr. Siddharth Agarwal, Sr. Adv.
Mr. Guntur Pramod Kumar, AOR
Ms. Prerna Singh, Adv.
Mr. Samarth Luthra, Adv.
Mr. Anmol Kheta, Adv.
Mr. Ayush Shrivastava, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. The petitioner, who claims himself to be the head of social media affairs of YSR Congress Party - a political front which is primarily active in the States of Andhra Pradesh and Telangana, has approached this Court invoking jurisdiction under Article 32 of the Constitution, *inter alia*, alleging that the State of Andhra Pradesh and its authorities are misusing Section 111 of the Bharatiya Nyaya Samhita, 2023 (for short, 'BNS'). This is

being claimed by the petitioner alleging that multiple FIRs (details of 6 FIRs have been given) have been registered against him for various offences. It is claimed that contrary to the legislative intent of tackling serious organised offences through Section 111 of BNS, the said provision is being misused as a tool to stifle the voice of opposition party.

2. S/Shri Kapil Sibal, Ponnayolu Sudhakar Reddy and Siddharth Dave, learned Senior Counsels have attempted to substantiate the allegations made by the petitioner against the State and its authorities. On the other hand, Mr. Siddharth Luthra, learned Senior Counsel for the State of Andhra Pradesh has referred to some material which, according to him, *prima facie*, shows how the petitioner is actively involved in an organised crime, which is a continuing offence. He further points out that the petitioner has already approached the High Court of Andhra Pradesh and some of his petitions are pending in which even ad-interim relief has also been granted.

3. Having heard learned Senior Counsel for the parties, it seems to us that the relief sought by the petitioner in the instant Writ Petition, and the contentions raised on his behalf, can be effectively claimed/raised before the High Court in a petition under Article 226 of the Constitution read with Section 528 of BNSS (corresponding to Section 482 Cr.P.C., which has now been repealed).

4. Consequently, we dispose of this Writ Petition, without expressing any opinion on merits of the allegations or the counter allegations, with liberty to the petitioner to approach the High Court seeking the same relief as prayed for in the instant Writ Petition.

5. It goes without saying that the High Court will hear both sides and may pass appropriate order as it may deem fit.

6. Since the petitioner is apprehending his immediate arrest, which may disable him to approach the High Court, we direct that the arrest of the petitioner shall remain stayed for a period of two weeks to enable him, meanwhile, to approach the High Court.

7. It will be the complete discretion of the High Court, after considering the merits and demerits of the issue, to extend or decline the interim protection as granted above to the petitioner.

8. As a result, the pending interlocutory application stands disposed of.

(SATISH KUMAR YADAV)
ADDITIONAL REGISTRAR

(PREETHI T.C.)
ASSISTANT REGISTRAR