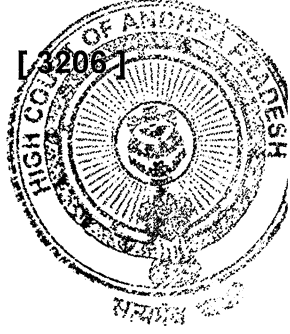


IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
THURSDAY, THE TWENTY NINTH DAY OF APRIL,
TWO THOUSAND AND TWENTY ONE
:PRESENT:
THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO



IA No. 1 OF 2021
IN
CRLP NO: 2700 OF 2021

Between:

1. S.Jayaram Chowdary, S/o S.Penchala Naidu, Aged about 72 years, R/o 19-3-20G/1, Kakatiya Nagar, Tirupathi(Urban) - 517501, Chittoor District, Andhra Pradesh State.
2. Sudalagunta Krishna Kalyan Kumar, S/o S.Jayaram Chowdary, Aged about 71 years, R/o 19-3-20G/1, Kakatiya Nagar, Tirupathi (Urban) - 517501, Chittoor District, Andhra Pradesh State.
3. S.Prameela, W/o S.Jayaram Chowdary, Aged about 71 years, R/o 19-3-20G/1, Kakatiya Nagar, Tirupathi (Urban) - 517501, Chittoor District, Andhra Pradesh State.

...Petitioners/Accused 1 to 3
(Petitioners in CRLP 2700 OF 2021
on the file of High Court)

AND

1. The State of Andhra Pradesh, Represented by Station House Officer, Buchinaidu Kandriga Police Station, Represented by its Public Prosecutor, High Court of Andhra Pradesh at Amaravati, Guntur District.

...Complainant/1st Respondent

2. K.Madhusudhan Reddy, S/o Kuppa Reddy, Aged 53 years, Kolladam Village, Satyavedu Mandal, Chittoor District.

...Defacto Complainant/2nd Respondent
(Respondents in-do-)

Counsel for the Petitioners : **SRI KILARU NITHIN KRISHNA**
Counsel for the Respondent No.1: **PUBLIC PROSECUTOR**

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the memorandum of grounds of criminal petition, the High Court may be pleased to grant stay of all further proceedings including the arrest, appearance of the Petitioners i.e., A1-A3 in Crime No.52/2021 dated 03/04/2021 on the file of Buchinaidu Kandriga Police Station, Chittoor District for the offences u/s.420 r/w 34 Indian Penal Code, 1860, pending disposal of CRLP No. 2700 of 2021, on the file of the High Court.

The court while directing issue of notice to the Respondent No.2 herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER:

"The petitioners are accused Nos.1 to 3 in Crime No.52 of 2021 of Buchinaidu Kandriga Police Station, Tirupati Urban, Chittoor District for the offence under Section 420 read with 34 IPC.

The allegation against the petitioners is that they had obtained sugarcane from the complainant for the purposes of crushing sugarcane in the process of manufacturing of sugar and had not paid the amount due to the petitioners aggregating to Rs.7,85,275/-.

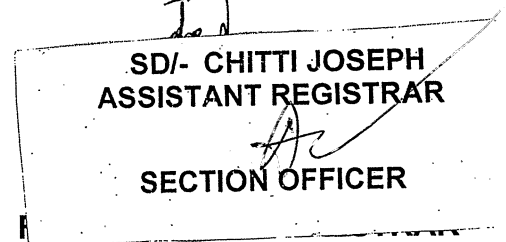
Sri Dammalapati Srinivas, learned Senior Counsel appearing for Sri K.Nithin Krishna, learned counsel for the petitioners submits that the process of purchase of sugarcane and payment to the farmers is controlled by the

Sugarcane (Regulation of Supply and Purchase) Act, 1961, which provides for recovery of dues of the farmers, in the event of non-payment by the sugar factories. He would also submit that there is no allegation against the petitioners that they had obtained sugarcane from the complainant with the initial intention of not paying the purchase price.

A reading of the complaint would show that the complaint is only about non-payment of purchase price without any allegation that there was an initial intention to avoid the payment.

In view of the above submissions, which merit *prima facie* acceptance, there shall be stay of all further proceedings in Crime No.52 of 2021 in Buchinaidu Kandriga Police Station, Tirupati Urban, Chittoor District including arrest of the petitioners."

//TRUE COPY//



To,

1. The Station House Officer, Buchinaidu Kandriga Police Station, Chittoor District
2. K.Madhusudhan Reddy, S/o Kuppa Reddy, Kolladam Village, Satyavedu Mandal, Chittoor District. (by RPAD- along with a copy of petition and memorandum of grounds)
3. One CC to Sri. Kilaru Nithin Krishna, Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court of AP [OUT]
5. One spare copy

MM

HIGH COURT

RRRJ

DATED:29/04/2021

ORDER

**IA No. 1 OF 2021
IN
CRLP NO: 2700 OF 2021**

INTERIM STAY

