

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
WEDNESDAY, THE TWENTY THIRD DAY OF FEBRUARY,
TWO THOUSAND AND TWENTY TWO

: PRESENT:

THE HONOURABLE SRI JUSTICE D RAMESH

IA No. 2 OF 2022

IN

CRLP NO: 1158 OF 2022



Between:

Avuthu Srinivasa Reddy, S/o Venkata Reddy, Hindu, Aged about 50 years, R/o D.No.74-4-34/3, K.V.Kandrika Village, Vijayawada Rural Mandal, Krishna District-521212.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by SHO, Kukunoor Police Station, West Godavari District, through Public Prosecutor, High Court of Andhra Pradesh, Amaravati.

...Respondent/Complainant

2. Tama Manga Tayaru, VRO, W/o Nageswara Rao, Hindu, Aged about 32 years, R/o Amaravaram Village, Kukunoor Mandal, West Godavari District.

...Respondent/Defacto-Complainant

Counsel for the Petitioner: SRI N V MOHANA RAO

Counsel for the Respondent No.1: PUBLIC PROSECUTOR

Petition under Section 482 of Cr.P.C, praying that in the circumstances stated in the affidavit filed in support of the Criminal Petition, the High Court may be pleased to suspend the notice of the 1st Respondent, dt.26-05-2021 issued to the Petitioner directing him to surrender of the vehicle, No.AP39 TM 6969, pending disposal of CRLP 1158 of 2022, on the file of the High Court.

The court while directing issue of notice to the Respondents 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).

The Court made the following: ORDER

“Based on the complaint given by the defacto complainant on 03.05.2021 the police has registered F.I.R.No.106 of 2021 under Section 379 IPC, 21(1) of MMDARA. Subsequently, the Sub-Inspector of Police issued notice dated 26.5.2021 directing the petitioner to surrender the lorry bearing No. 39 TM 6969 involved in crime No. 106/2021.

Even perusal of the complaint made by the Village Revenue Officer, Kukunoor Mandal, West Godavari District, on 3.5.2021, it is clear that there is no whisper about the sand which was found in the Government hospital was transported in this lorry and in fact, the Village Revenue Officer, the 2nd respondent herein has given a complaint stating that he found 3 ½ units of sand stored in the Government hospital, Rajeevnagar Village..

Perusal of the complaint and also notice dated 26.5.2021 of the 1st respondent shows that there is no allegation of transportation of the sand by the petitioner, through the said vehicle.

In view of the submissions made and perusal of the record there shall be interim suspension of notice of the 1st respondent dated 26-05-2021.”

SD/-M.PADMALATHA
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

ro,

1. The Station House Officer, Kukunoor Police Station, West Godavari District
2. Tama Manga Tayaru, VRO, W/o Nageswara Rao, Hindu, Aged about 32 years, R/o Amaravaram Village, Kukunoor Mandal, West Godavari District. (by RPAD)
3. One CC to Sri N V Mohana Rao, Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court of Andhra Pradesh[OUT]
5. One spare copy

SP

HIGH COURT

DRJ

DATED: 23/02/2022

ORDER

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INTERIM STAY

