



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3396]

FRIDAY, THE SEVENTEENTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL REVISION CASE NO: 220/2026

Between:

- 1.M/S. SRI VENKATRAMA AGRO TECH,, REPRESENTED BY CH V V PADMAKAR CHOWDARY, S/O PADDA RAJU, MANAGING PARTNER, DOOR NO 6-88, ADAVIPALEM, YANAM
- 2.CH V V PADMAKAR CHOWDARY,, S/O PADDA RAJU, AGED ABOUT 53 YEARS. MANAGING PARTNER, DOOR NO 6-88, ADAVIPALEM, YANAM
- 3.CHERUKURI RAMARAO,, S/O PADDARAJU, AGED ABOUT 75 YEARS. DOOR NO 8-1-73, ZICRIYA NAGAR, MAIN ROAD, YANAM
- 4.CHERUKURI RANI,, W/O CH V V CHOWDARY, AGED ABOUT 48 YEARS. DOOR NO 8-1-73, ZICRIYA NAGAR, MAIN ROAD, YANAM

...PETITIONER(S)

AND

- 1.THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC PROSECUTOR HIGH COURT OF A.P, AMARAVATHI.
- 2.UNION BANK OF INDIA PREVIOUSLY ANDHRA BANK, REP. BY ITS BRANCH MANAGER, UNION BANK OF INDIA (PREVIOUSLY ANDHRA BANK), YANAM

...RESPONDENT(S):

Revision filed under Section 397/401 of Cr.P.C., praying that in the circumstances stated in the affidavit filed in support of the Criminal Revision Case, the High Court may be pleased to set aside the order dated 09-02-

2026 passed by the learned IV Additional Judicial First Class Magistrate, Kakinada in CrI.M.P.No.344 of 2026 in C.C.No.972 of 2019, and consequently stay all further proceedings pursuant to the said order, pending disposal of the present petition

Counsel for the Petitioner(S):

1.KANITHI DEEPAK

Counsel for the Respondent(S):

1.PUBLIC PROSECUTOR

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA**CRIMINAL REVISION CASE NO: 220/2026****JUDGMENT:**

This Criminal Revision Case has been filed by the petitioner seeking to set-aside the impugned order dated 09.02.2026 passed by the learned IV Additional Judicial First Class Magistrate, Kakinada in CrI.M.P.No.344 of 2026 in C.C.No.972 of 2019.

2. Heard Sri Kanithi Deepak, learned counsel for the petitioners and Mrs.K.Priyanka Lakshmi, learned Assistant Public Prosecutor representing on behalf of the State is in attendance.

3. Learned counsel for the petitioners would submit that the petitioners have filed this revision case impugning the order passed by the learned IV Additional Judicial First Class Magistrate, Kakinada in CrI.M.P.No.344 of 2026 in C.C.No.972 of 2019, wherein the learned Judge appointed Advocate Commissioner to record the evidence of PW1. Learned counsel for the petitioners would further submit that they have no objection for appointment of Advocate Commissioner to record the cross examination of PW1 in this matter, but their sole objection is regarding the filing of application under the wrong provision of law.

4. Considering the submissions made and a fair look at the material placed before this Court, particularly, the impugned order would go to show that the complainant was examined as PW1 and when the matter is at the

stage of further evidence of the accused, a petition was filed by the accused to recall PW1, which was allowed. However, PW1 was not in a position to appear before the Court for cross-examination. In these circumstances, the complainant filed CrI.M.P.No.344 of 2026 seeking the appointment of an Advocate Commissioner to record the cross-examination of PW1. Be that as it may, merely because the petition was filed under an incorrect provision of law is not a valid ground for dismissing the application. The learned Judge has rightly exercised discretion in appointing an Advocate Commissioner to record the cross-examination of PW1 after recall. In view of the above, this Court does not find any merit in the present revision warranting interference of this Court in the impugned order. Hence, the revision is liable to be dismissed.

5. Accordingly, the Criminal Revision Case is dismissed.

Consequently, miscellaneous applications pending, if any, shall stand closed.

DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

Date: 17.04.2026.
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THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

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Dt.17.04.2026

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