



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

[3548]

THURSDAY, THE 9th DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

CRIMINAL PETITION NO: 1492/2020

Between:

1. BANDARU VENKATESWARA RAO, S/O B.V.S.MURTHY, R/O D.NO.
4-50, PENUGUDURU VILLAGE. KARAPA MANDAN, E.G.DISTRICT

...PETITIONER/ACCUSED

AND

1. STATE OF ANDHRA PRADESH, THROUGH ITS PUBLIC
PROSECUTOR, HIGH COURT OF ANDHRA PRADESH, AMARAVATHI
2. CHAKRAVARTHULA GANGA KUMAR, S/O LATE PADMA RAJU,
AGED ABOUT 45 YEARS, R/O D.NO.27-9-32, DIGUMARTHI VARI
STREET, KAKINADA

...RESPONDENT/COMPLAINANT(S):

Petition under Section 437/438/439/482 of Cr.P.C and 528 of BNSS,
praying that in the circumstances stated in the Memorandum of Grounds of
Criminal Petition, the High Court may be pleased to call for the records
relating to C.C No. 1420 of 2019, on the file of learned IV Addl. Judicial Class
Magistrate, Kakinada and quash the same besides directing not to proceed
further and pass

IA NO: 1 OF 2020

Petition under Section 482 of Cr.P.C and 528 of BNSS, 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 in C.C.
No. 1420 of 2019 on the file of learned IV Addl. Judicial I Class Magistrate,
Kakinada, including appearance of the Accused and pass

Counsel for the Petitioner/accused:

- 1.VAJJHALA SATYANARAYANA PRASAD

Counsel for the Respondent/complainant(S):

- 1.T D PHANI KUMAR
- 2.PUBLIC PROSECUTOR (AP)

The Court made the following:

ORDER:

Heard Ms.S.Sai Sneha, learned counsel representing Mr.Vajjhala Satyanarayana Prasad, learned counsel for the petitioner, Mr.G.Neelothpal, learned Assistant Public Prosecutor appearing for the State/respondent No.1, and Mr.T.D.Phani Kumar, learned counsel for the *de facto* complainant/respondent No.2.

2. The Criminal Petition is filed seeking to quash the proceedings in C.C.No.1420 of 2019 on the file of IV Additional Judicial First Class Magistrate, Kakinada (for short "Court below").

3. A complaint under Sections 138, 142 and 143-A of the Negotiable Instruments Act was lodged and after the investigation, charge sheet is filed on the file of IV Additional Judicial First Class Magistrate, Kakinada, in C.C.No.1420 of 2019.

4. Ms.S.Sai Sneha, learned counsel for the petitioner, would submit that under Section 200 of Cr.P.C., a private complaint is instituted. Thereafter, the said complaint was taken on file by the Magistrate, and the allegations levelled against the petitioner/accused do not constitute any elements attracting the ingredients of Section 138 of Negotiable Instruments Act, and also the conditions laid down in ***State of Haryana and others vs. Ch.Bhajan Lal and others***¹. She would further submit that, when there is no element of *mens rea* on behalf of the petitioner/accused, the allegations levelled cannot be constituted under the provisions of the Negotiable Instruments Act.

5. As seen from the docket sheet, the case was filed in the year 2020 and, since then, the matter has been adjourned on several occasions and there is no interdiction by this Court with regard to further proceedings in C.C.No.1420 of 2019.

6. Mr.T.D.Phani Kumar, learned counsel for the *de facto* complainant/respondent No.2, would submit that, as on today, the case is

¹ AIR 1992 SC 604

posted for examination under Section 313 of Cr.P.C., and that the trial is set in motion. He would further submit that the petitioner/accused is always at liberty to place his evidence and arguments before the Court below.

7. Concurring with the arguments of learned counsel for the respondent No.2, Mr.G.Neelothpal, learned Assistant Public Prosecutor, would also submit that the case is posted for examination under Section 313 of Cr.P.C. He would also submit that the matter cannot be kept pending in view of the law declared by the Hon'ble Supreme Court, particularly, with regard to cases arising under the Negotiable Instruments Act.

8. Owing to the submissions made by the learned counsel appearing on either side and considering the stage of the proceedings, this Court deems it appropriate to direct the learned IV Additional Judicial First Class Magistrate, Kakinada, to complete the trial as expeditiously as possible.

9. Resultantly, the Criminal Petition is disposed of with a direction to the learned IV Additional Judicial First Class Magistrate, Kakinada, to complete the trial in C.C.No.1420 of 2019 as expeditiously as possible.

As a sequel, Interlocutory Applications pending, if any, shall stand closed.

TUHIN KUMAR GEDELA, J

Date : 09-07-2026
BMS