

[3457]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
FRIDAY, THE TWENTY EIGHTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE HARINATH.N
CRIMINAL PETITION NO: 3379 OF 2025



Between:

Miriyala Srinivasa Rao, S/o Surya Narayana, Age: 26 yrs, R/o D.No.70-2-25/1, Near VSM School, Patamata, Vijayawada. NTR District.

Petitioner/Accused No.2

AND

The State of Andhra Pradesh, Through Station House Officer, Governorpet Police Station, Rep. by its Public Prosecutor, High Court of Andhra Pradesh at Amaravati.

Respondent

Petition under Section 528 of BNSS, 2023 / Old Section 482 of Cr.P.C is filed praying that in the circumstances stated in the affidavit filed in support of the Criminal Petition, the High Court may be pleased to call for the records relating to the C.C.No.1710/2021 on the file of III Additional Chief Metropolitan Magistrate Court at Vijayawada, NTR District and quash the same as illegal, arbitrary, without jurisdiction and contrary to law and provision of Sec.53 of Disaster Management Act, 2005 and Sec.420 of IPC.

IA NO: 2 OF 2025

Petition under Section 482 of Cr.P.C is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay of all further proceedings so far it relates to the petitioner / Accused No.2 in C.C.No. 1710/2021 on the file of III Additional Chief Metropolitan Magistrate Court at Vijayawada, NTR District, Pending disposal of CRLP 3379 of 2025, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the memorandum filed in support thereof and upon hearing the arguments of

Sri AISHWARYA NAGULA Advocate for the Petitioner, PUBLIC PROSECUTOR for the Respondent and the Court made the following.

ORDER:

"The learned counsel for the petitioner submits that the petitioner is arraigned as Accused No. 2 in C.C. No. 1710 of 2021 on the file of the III Additional Chief Metropolitan Magistrate Court, Vijayawada, for the alleged offence under Section 420 of the IPC and Section 53 of the Disaster Management Act.

It is submitted that the police could not have registered a crime under the Disaster Management Act, and there is no bar under Section 16 of the Disaster Management Act for the Court to take cognizance without a complaint filed by the National Authority or State Authority, which is authorized in this regard.

For filing counter by the respondent, post the matter on 05.05.2025.

Considering the same, as this matter requires consideration, there shall be a stay of all further proceedings in C.C. No. 1710 of 2021 on the file of the III Additional Chief Metropolitan Magistrate Court, Vijayawada, till then."

//TRUE COPY//

FoI

SD/- N.NAGAMMA
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The III Additional Chief Metropolitan Magistrate Court, Vijayawada, NTR District.
2. The Station House Officer, Governorpet Police Station, Vijayawada.
3. One CC to SRI. AISHWARYA NAGULA Advocate [OPUC]
4. Two CCs to Public Prosecutor (AP) High Court of A.P., Amaravati [OUT].
5. One spare copy

HIGH COURT

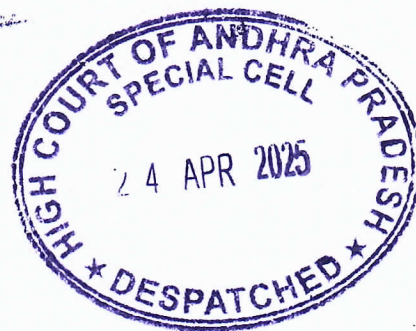
HN,J

DATED:28/03/2025

Post the matter on 05.05.2025

ORDER

CRLP.No.3379 of 2025



STAY