



(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
WEDNESDAY, THE TWENTY SEVENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY
CRIMINAL PETITION NO: 2101 OF 2024

Between:

Modepalli Srinivasulu, S/o. Venkata Swamy, Male, aged 47 years, R/o. D. No. 8-272/28, Plot No. B-114, VUDA Colony, near Gopalapatnam Bunk Gopalapatnam, Visakhapatnam

...Petitioner/Accused

AND

1. Kanda Mohan Amarnath, S/o. Late Venkateswarlu Male, aged 42 years, Occ. Pvt Employee, R/o. 12-7-83, Ganeshvari Street, Kothapet, Guntur Guntur District
2. The State of Andhra Pradesh, Rep. by its Public Prosecutor

...Respondents/De-facto Complainant

WHEREAS the Petitioner/Accused above named through his Advocate SRI PEDDIBHOTLA VENKATA SAI RAJESH presented this Petition under Section 482 of Cr.P.C, praying that in the circumstances stated in the memorandum of grounds filed in support of the Criminal Petition, the High Court may be pleased to Quash all the proceedings in C.C. No. 4351/2022 on the file of Court of V Addl Judicial First Class Magistrate, Guntur

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Sri PEDDIBHOTLA VENKATA SAI RAJESH Advocate for the Petitioner, and of PUBLIC PROSECUTOR, for the Respondent No.2, directed issue of notice to

the Respondent No.1, herein to show cause as to why this CRIMINAL PETITION should not be admitted.

You viz:

Kanda Mohan Amarnath, S/o. Late Venkateswarlu, Occ. Pvt Employee,
R/o.12-7-83, Ganeshvari Street, Kothapet, Guntur Guntur District

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this CRIMINAL PETITION should not be admitted, within eight (8) weeks to which date the case stands posted for hearing.

IA NO: 1 OF 2024

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the memorandum of grounds filed in support of the petition, the High Court may be pleased to stay all further proceedings in C.C. No. 4351/2022 on the file of Court of V Addl Judicial First Class Magistrate, Guntur including dispensation of personal appearance of the Petitioner, pending disposal of CRLP No. 2101 of 2024, on the file of the High Court.

The Court made the following: ORDER

Learned Assistant Public Prosecutor takes notice for respondent No.2 and seeks time to get instructions in the matter.

Issue notice to respondent No.1.

Learned counsel for the petitioner is permitted to take out personal notice on respondent No.1 by registered post with

acknowledgment due and file proof of service before the Registry within a period of three (3) weeks.

On a perusal of the complaint goes to show that in discharge of debt the petitioner herein issued a cheque bearing No.022129 dated 13.06.2022 in favour of the 1st respondent herein/complainant for Rs.12,00,000/- drawn on State Bank of Patiala, Visakhapatnam branch and on presentation of said cheque before the Kotak Mahindra Bank, Arundelpet Branch, Guntur, the same was returned with an endorsement "the State Bank of Patiala is non practicing in clearing, we are unable to present the said cheque bearing No.022129 in clearing".

Prima facie, there is any amount of ambiguity whether the cause shown in the cheque return memo would come within the purview of the ingredients of Section 138 of the Negotiable Instruments Act or not. It needs examination.

In view of the said reason, there shall be interim stay of all further proceedings in CC No.4351 of 2022 on the file of the learned V Additional Judicial Magistrate of First Class, Guntur, for a period of twelve (12) weeks.

List the matter after eight (8) weeks.

Sd/- S. SRINIVASA PRASAD
ASSISTANT REGISTRAR

AS:

//TRUE COPY//

SECTION OFFICER

For ASSISTANT REGISTRAR

To,

1. The V Additional Judicial First Class Magistrate, Guntur, Guntur District

2. Kanda Mohan Amarnath, S/o. Late Venkateswarlu, Occ. Pvt Employee,
R/o.12-7-83, Ganeshvari Street, Kothapet, Guntur Guntur District **(by
RPAD- along with a copy of petition and memorandum of grounds)**
3. One CC to SRI. PEDDIBHOTLA VENKATA SAI RAJESH Advocate
[OPUC]
4. Two CCs to PUBLIC PROSECUTOR, High Court of Andhra Pradesh
[OUT]
5. One spare copy

PSR

HIGH COURT

SRK,J

DATED:27/03/2024

NOTE: LIST THE MATTER AFTER EIGHT (8) WEEKS.

NOTICE BEFORE ADMISSION

CRLP.No.2101 of 2024

INTERIM STAY

