



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

[3521]

WEDNESDAY, THE EIGHTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 2719/2021

Between:

CHAPA DEVI PRASAD, S/O. LATE TRINAD AGE- 22 YEARS, OCC-
STUDENT, RESIDENCE OF H.NO.4-1-402, DESAMMA STREET,
VIVEKANANDA COLONY, PARVATHIPURAM, VIZIANAGARAM
DISTRICT - 535 501.

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF A.P., AMARAVATHI.
2. SANAPATHI RAMESH, S/O. DALAYYA, AGE- 37 YEARS,
UGGIDITALLI STREET, VIVEKANANDA COLONY,
PARAVATHIPURAM, VIZIANAGARAM DISTRICT. (DEFACTO
COMPLAINANT)

...RESPONDENT/COMPLAINANT(S):

Counsel for the Petitioner/accused:

SIVAPRASAD REDDY VENATI

Counsel for the Respondent/complainant(S):

1. TOTA TEJESWARA RAO
2. PUBLIC PROSECUTOR (AP)

The Court made the following:

ORDER:

The Criminal Petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for brevity, 'the Cr.P.C.)/Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity, 'the BNSS'), seeking to quash the proceedings against the petitioner/Accused No.1 in C.C.No.516 of 2019 (Crime No.228 of 2018 of Parvathipuram Town Police Station) on the file of the learned Additional Judicial Magistrate of First Class, Parvathipuram, Vizianagaram District, registered for the alleged offences punishable under Sections 326 and 323 read with 34 of the Indian Penal Code, 1860 (for brevity 'the IPC').

2. No representation for respondent No.2.
3. Heard the learned counsel for the petitioner and the learned Assistant Public Prosecutor. Perused the record.
4. As seen from the record, the allegation against the petitioner is that he has committed offences punishable under Sections 326 and 323 read with Section 34 of 'the IPC'. Whether the petitioner has committed the offence or not is a matter for trial, and this Court cannot undertake the exercise of conducting a mini trial. The petitioner is at liberty to prove his innocence before the learned Trial Court.

5. The learned counsel for the petitioner urges for a direction to the learned Trial Court for disposal of a case in time bound manner. However, in this regard, it is apposite to mention the judgment of the Hon'ble Apex Court in **Abdul Rehman Antulay v. R.S. Nayak**¹, at paragraph No.86 (10) held as under:

“(10) It is neither advisable nor practicable to fix any time-limit for trial of offences. Any such rule is bound to be qualified one. Such rule cannot also be evolved merely to shift the burden of proving justification on to the shoulders of the prosecution. In every case of complaint of denial of right to speedy trial, it is primarily for the prosecution to justify and explain the delay. At the same time, it is the duty of the court to weigh all the circumstances of a given case before pronouncing upon the complaint. The Supreme Court of USA too has repeatedly refused to fix any such outer time-limit in spite of the Sixth Amendment. Nor do we think that not fixing any such outer limit ineffectuates the guarantee of right to speedy trial.”

6. The Hon'ble Apex Court in **High Court Bar Association, Allahabad v. State of U.P**² at paragraph No.32 held as under:

“32. Therefore, constitutional Courts should not normally fix a time-bound schedule for disposal of cases pending in any Court. The pattern of pendency of various categories of cases pending in every Court, including High Courts, is different. The situation at the grassroots level is better known to the judges of the concerned Courts. Therefore, the issue of giving out-of- turn priority to certain cases should be best left to the concerned Courts. The orders fixing the outer limit for the disposal of cases should be passed only in exceptional circumstances to meet extraordinary situations.”

7. It is observed that the practice of giving directions to the learned Trial Courts fixing the schedule for disposal of the cases were deprecated by the Hon'ble Apex Court in **Abdul Rehman Antulay** and **High Court Bar Association, Allahabad** *supra*. However, the right to speedy disposal is

¹(1992) 1 SCC 225

²AIROnline 2024 SC 143

one of the facets of the fundamental right guaranteed under Article 21 of the Constitution of India.

8. Considering the facts and circumstances of the case, the learned Additional Judicial Magistrate of First Class, Parvathipuram, Vizianagaram District, is directed to dispose of the case in C.C.No.516 of 2019 (Crime No.228 of 2018 of Parvathipuram Town Police Station) as expeditiously as possible, and submit a report to that effect to the Registrar (Judicial). The presence of the petitioner/Accused No.1 is dispensed with before the learned Trial Court unless it is otherwise required.

9. In the result, the Criminal Petition is disposed of.

As a sequel, Miscellaneous petitions, if any pending, shall stand closed.

DR. Y. LAKSHMANA RAO, J

Date: 18.02.2026
RSI

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THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 2719 of 2021

Date: 18.02.2026
RSI