



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

[3396]

**MONDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE DR.JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL REVISION CASE NO: 417/2026

Between:

MARISETTY VENKATA LAKSHMI, W/O PRASAD, AGED ABOUT 35 YEARS, R/O RENTAPALLA VILLAGE, SATTENAPALLI MANDAL PALNADU DISTRICT.

...PETITIONER

AND

- 1.KATTEKOTA SRINIVASA RAO, S/O NARASIMHA RAO, AGED ABOUT 55 YEARS, R/O RENTAPALLA VILLAGE, SATTENAPALLI MANDAL PALNADU DISTRICT.
- 2.RAMISETTY ANJANEYULU, S/O KOTESWARA RAO, AGED ABOUT 43 YEARS, R/O RENTAPALLA VILLAGE, SATTENAPALLI MANDAL PALNADU DISTRICT.
- 3.KATTAKOTA KALI CHAITANYA, S/O SRINIVASA RAO, R/O RENTAPALLA VILLAGE SATTENAPALLI MANDAL, PALNADU DISTRICT.
- 4.RAMISETTY PAVAN KUMAR, S/O ANJANEYULU, R/O RENTAPALLA VILLAGE, SATTENAPALLI MANDAL, PALNADU DISTRICT.
- 5.STATE OF ANDHRA PRADESH, THROUGH SHO, SATTENAPALLI RURAL PS, REP. BY ITS PUBLIC PROSECUTOR HIGH COURT OF ANDHRA PRADESH, AMARAVATI.

...RESPONDENT(S):

Counsel for the Petitioner:

- 1.KOCHIRI RAJA SHEKAR

Counsel for the Respondent(S):

- 1.PUBLIC PROSECUTOR

The Court made the following:

ORDER:

The instant Criminal Revision Case under Sections 438 & 442 of Cr.P.C has been filed by the Petitioner / *De facto* complainant seeking to set aside the Order dated 09.12.2025 in CrI.M.P.No.5261 of 2025 in C.C.No.380 of 2018 on the file of the Court of learned I Additional Civil Judge (Junior Division), Sattenapalli.

2. Heard Sri Kochiri Rajasekhar, learned counsel for the Petitioner and Ms.K.Priyanka Lakshmi, learned Assistant Public Prosecutor.

3. Learned counsel for the Petitioner would submit that the impugned order of the trial Court is contrary to law. The learned trial Judge failed to exercise its jurisdiction under Section 319 Cr.P.C despite the availability of sufficient material indicating the involvement of additional Accused. It is contended that the trial Court erred in holding that the petition is not maintainable at the stage of inquiry, as Section 319 Cr.P.C expressly empowers the Court to proceed against any person during the course of any inquiry or trial. Hence, prayed to set aside the impugned order.

4. Learned Assistant Public Prosecutor submits that the Court may pass appropriate orders.

5. Considering the rival submissions and as seen from the record, initially a case in CrimeNo.48 of 2017 was registered by Sattenapalli Rural Police against Accused Nos.1 to 4 for the offences under Sections 324, 506 and 509 read with 34 IPC. Subsequently, the Police, after due investigation, deleted Accused Nos.1 and 4 from the said crime, as their role was not established,

filed charge sheet against Accused Nos.2 and 3, after issuing a notice to the *De facto* complainant calling for his objections. The *De facto* complainant, instead of submitting objections, filed a protest petition. The learned trial Judge *vide* Order dated 29.10.2019 dismissed the said petition holding that the petition was premature and the stage has not reached to invoke Section 319 Cr.P.C since the trial was not commenced. The learned trial Judge has also given liberty to file an application under Section 319 Cr.P.C whenever the relevant material comes in the evidence of prosecution witnesses during the court of trial. Hence, the *De facto* complainant filed a petition under Section 319 Cr.P.C seeking to summon Accused Nos.1 and 4 as additional Accused. The learned trial Judge by way of impugned order dismissed the said petition by observing that, no prosecution witness has been examined so far and that the power under Section 319 Cr.P.C can be exercised only on the basis of evidence which comes on record during the examination-in-chief of witnesses.

6. However, a careful consideration of the statutory provision and the settled legal position would indicate that the power under Section 319 Cr.P.C. is an extraordinary and discretionary power, which is to be exercised sparingly and only when strong and cogent evidence emerges during the course of inquiry or trial. In the present case, it is not in dispute that no prosecution witness has been examined so far. The stage of recording evidence has not yet commenced. The trial Court, therefore, rightly observed that in the absence of any evidence adduced before it, the question of invoking jurisdiction under Section 319 Cr.P.C. does not arise at this stage.

7. In view of the above, this Court finds no illegality, irregularity, or perversity in the order passed by the trial Court warranting interference. The Petition is devoid of merit and is liable to be dismissed.

8. Accordingly, the Criminal Revision Case is dismissed.

Pending applications, if any, shall stand closed.

Dr.JUSTICE VENKATA JYOTHIRMAI PRATAPA

Date:20.04.2026

Dinesh

HON'BLE DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

Crl.R.C.No.417 of 2026

Dt.20.04.2026

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