

APHC010200742026



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

[3521]

TUESDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 3209/2026

Between:

KESINEEDI RAJESHWARAO, S/O K.VENKATESWARARAO, AGED 53 YEARS, OWNER OF THE AMOUNT, R/O D.NO.2-4/A, JAGGAMPETA MANDAL, MANYAMVARIPALEM, EAST GODAVARI DISTRICT, ANDHRA PRADESH - 533435.

...PETITIONER/ACCUSED

AND

- 1.THE STATE OF ANDHRA PRADESH, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF ANDHRA PRADESH AT AMARAVATI ... RESPONDENT / COMPLAINANT
- 2.VANTHALA PURNA ALIAS RAGHURAMA NAIDU, S/O MUDDU, AGED 37 YEARS, EX-SARPANCH, MALASINGARAM VILLAGE, ARAKU VALLEY MANDAL, ALLURI SITARAMARAJU DISTRICT.
- 3.KORRA PREMKUMAR, S/O RAMA RAO, AGED 40 YEARS. CULTIVATION, THURATAMPADU VILLAGE, LOTHUGEDDA PANCHYAT, CHINTHAPALLI MANDAL.
- 4.SAYYAD BAJIJURDHIN BUJJI, S/O JAHIRUDDIN, AGED 35 YEARS. REAL-ESTATE BUSINESS, SIVASAKTHINAGAR, KOMMADI, MADHURAWADA, VISAKHAPATNAM, R/O ARAKUVALLEY TOWN, ASR DISTRICT.
- 5.RAIDI PRAMOD KUMAR, S/O PEDDULU, AGED 26 YEARS. COMPUTER OPERATOR CULTIVATION, CHINALABUDU VILLAGE

PANCHAYAT, ARAKU VALLEY MANDAL, ASR DISTRICT.

6. PANGI POTTI RAMADASU ALIAS RAMDAS, S/O DONNU, AGED 27 YEARS, R/O D.NO.4-64, CHINALABUDU VILLAGE, ARAKUKVALLEY MANDAL, ALLURISEETHARAMA RAJU DISTRICT.

7. VANTHALA MONOJ KUMAR, AGED 19 YEARS, R/O D.NO. 4-114, MALASINGARAM, CHINALABUDU, ARAKU VALLEY MANDAL, ALLURI SITAHARAMA RAJU (ASR) DISTRICT.

...RESPONDENT/COMPLAINANT(S):

Counsel for the Petitioner/accused:

SIMHACHALAM KARUKOLA

Counsel for the Respondent/complainant(S):

PUBLIC PROSECUTOR

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') filed by the petitioner herein seeking to quash the order passed on 20.11.2025 by the learned Principal Sessions Judge, Visakhapatnam in Crl.M.P.No.986 of 2025 in unnumbered Criminal Revision Petition of 2025 against the docket orders passed on 15.05.2023 by the learned Judicial First Class Magistrate, Chintapalli in Crl.M.P.No.603 of 2023 in Crime No.04 of 2023 of Chintapalli Police Station and release the money to the petitioner.

2. Heard the learned counsel for the petitioner and the learned Assistant Public Prosecutor. Perused the record.

3. Respondent Nos.2 to 7 are the accused in Crime No.04 of 2023 of Chintapalli Police Station. They were already heard, and the impugned order was passed by the learned Principal Sessions Judge, Visakhapatnam. Therefore, no further notice to respondent Nos.2 to 7 is required.

4. The learned Principal Sessions Judge, Visakhapatnam, by order dated 20.11.2025 in Crl.M.P.No.986 of 2025 in an unnumbered Criminal Revision Petition of 2025, dismissed the petition filed for condonation of delay of 808 days in filing a revision petition seeking interim custody of the property. The learned Sessions Judge, invoking Rule 127 of the Criminal Rules of Practice and Circular Orders, 1990, refused to condone the delay in filing the revision against the order dated 15.05.2023 passed by the learned Judicial First Class Magistrate, Chintapalli, in Crl.M.P.No.603 of 2023 in Crime No.04 of 2023.

5. The learned Magistrate dismissed the application filed by the petitioner/complainant, who is the owner of the property which was subjected to robbery from him, allegedly by respondent Nos.2 to 7. It was also observed that the matter is exclusively triable by the Court of Sessions; therefore, the property could not be given to the petitioner for interim custody. It was further mentioned that if the property is given to the

petitioner, it would be difficult for the learned Sessions Court at the time of trial to secure production of the property.

6. The petitioner is the owner of the cash of Rs.8,00,000/-, which was allegedly robbed by the accused from his possession. No doubt, the petitioner filed the petition before the learned Sessions Court with a delay of 808 days. The reason assigned for the delay is that the previous counsel could not file the revision; therefore, he approached the present counsel, who obtained certified copies of the order and filed the revision. However, the learned Sessions Judge did not believe the version of the petitioner.

7. Since the property belongs to the petitioner, if it is given to the petitioner with certain conditions, no prejudice would be caused either to the prosecution or to the accused. It is not the case of the accused that the property belongs to them. The property was seized under the cover of a mediators' report by the Investigating Officer and produced before the jurisdictional Magistrate.

8. The reasons assigned by the learned Sessions Judge while dismissing the petition filed in Crl.M.P.No.986 of 2025 do not appear to be convincing and reasonable. The delay of 808 days is condoned.

9. In this regard, it is apposite to mention the judgment of the Hon'ble Apex Court in **Sunderbhai Ambalal Desai v. State of Gujarat**¹ at paragraph Nos.11 and 14 held as under:

Valuable articles and currency notes:

11. With regard to valuable articles, such as, golden or silver ornaments or articles studded with precious stones, it is submitted that it is of no use to keep such articles in police custody for years till the trial is over. In our view, this submission requires to be accepted. In such cases, the Magistrate should pass appropriate orders as contemplated under Section 451 CrPC at the earliest.

14. In case, where such articles are not handed over either to the complainant or to the person from whom such articles are seized or to its claimant, then the court may direct that such articles be kept in bank lockers. Similarly, if articles are required to be kept in police custody, it would be open to the SHO after preparing proper panchnama to keep such articles in a bank locker. In any case, such articles should be produced before the Magistrate within a week of their seizure. If required, the court may direct that such articles be handed back to the investigating officer for further investigation and identification. However, in no set of circumstances, the investigating officer should keep such articles in custody for a longer period for the purposes of investigation and identification. For currency notes, similar procedure can be followed.

10. The Hon'ble Apex Court has clearly enunciated the principles regarding how a property petition, especially relating to money, has to be dealt with and disposed of. The learned Magistrate is directed to follow the said judgment. Invoking the inherent powers under Section 482 of 'the Cr.P.C.,' it is directed to hand over the property to the petitioner under the cover of mediators' report, by following the procedure laid down in **Sunderbhai Ambalal Desai supra** .

11. The learned counsel for the petitioner submits that the petitioner will furnish sureties to the value of Rs.8,00,000/-. The petitioner shall furnish

¹ AIR 2003 SC 638

sureties for a sum of Rs.8,00,000/- (Rupees Eight Lakhs only) to the satisfaction of the Trial Court.

12. In the result, the Criminal Petition is allowed.

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

DR. Y. LAKSHMANA RAO, J

Date: 21.04.2026
RSI

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THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION No.3209 of 2026

Date: 21.04.2026

RSI