



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

[3396]

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

PRESENT

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL REVISION CASE NO: 435/2026

Between:

1.DEVAREDDY SUBHARAO, S/O KRISHNAMMA NAIDU AGED 35
YEARS, OCC CULTIVATION R/O. INUGUNTA VILLAGE, OZILI
MANDAL NELLORE DISTRICT.

...PETITIONER

AND

1.THE STATE OF ANDHRA PRADESH, , REP. BY ITS PUBLIC
PROSECUTOR HIGH COURT OF ANDHRA PRADESH, AMARAVATI
2.NAKKA BUJJAMMA, W/O BALARAJU, AGE 47 YEARS, R/O
INUGUNTA VILLAGE, OZILI MANDAL, SPSR NELLORE DISTRICT.

...RESPONDENT(S):

Counsel for the Petitioner:

1.NAVULURU KRISHNA SAI

Counsel for the Respondent(S):

1.PUBLIC PROSECUTOR

The Court made the following:

THE HONOURABLE DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA**CRIMINAL REVISION CASE NO: 435 of 2026****JUDGMENT:**

This Criminal Revision Case has been filed under Sections 438 read with 442 of BNSS questioning the order dated 13.04.2026 passed in CrI.M.P.No.134 of 2026 in S.C.No.235 of 2023 on the file of VII Additional District Judge, Gudur.

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

3. The learned counsel for the petitioner would submit that the petitioner herein is Accused No. 8. The offences alleged against the petitioner fall under Sections 302 and 201 of the IPC. The petitioner could not appear before the Court on 06.04.2026, when the matter was posted for fixing the trial schedule. The learned counsel would further submit that the petitioner/Accused No.8 had filed an application seeking to condone his absence on that particular date; however, due to a mistake, he was referred to as Accused No.9. In fact, there are only eight (08) accused in the said case. Owing to this mistake, the absence petition was dismissed, and the learned trial Court issued a non-bailable warrant (NBW) and adjourned the matter to 29.04.2026. Meanwhile, the petitioner filed an application to recall the warrant issued against him, which was dismissed by the learned trial Court on the ground that no medical report was filed to establish that he was suffering from diarrhoea on 06.04.2026.

4. The learned counsel would further submit that the petitioner is ready to appear before the Court and that his absence on that particular date was not deliberate. Though an application was filed to condone his absence, it mistakenly referred to him as Accused No.9. The learned counsel would also submit that the petitioner has been attending the Court without fail, and an opportunity may be granted to him to appear before the Court and defend his case, as he is facing allegations punishable under Sections 302 and 201 of the IPC.

5. The learned Assistant Public Prosecutor would submit that the Court may pass appropriate orders.

6. Considering the submissions made and upon perusal of the material placed before this Court, it is noted that S.C. No.235 of 2023 was posted for fixing the trial schedule. The presence of counsel for the petitioner/Accused No. 8 was very much available before the trial Court. The trial schedule could have been fixed even in the absence of the accused, as he was represented by his counsel on record on the said date, i.e., 06.04.2026. Since charges had already been framed and the matter was posted only for fixing the trial schedule, the presence of the accused before the trial Court was not necessary. This Court is unable to understand how the matter was adjourned repeatedly solely for the purpose of fixing the trial schedule.

7. In that view, since the presence of the petitioner on 06.04.2026 was not required, and as an application had been filed to condone his absence

(though mistakenly mentioning him as Accused No. 9 instead of Accused No. 8), the learned trial Judge ought not to have issued a non-bailable warrant against the petitioner.

8. In light of the aforesaid mentioned premise, the Criminal Revision Case is allowed by setting aside the impugned order dated 13.04.2026 passed in Crl.M.P. No.134 of 2026 in S.C. No. 235 of 2023 on the file of the VII Additional District Judge, Gudur. The NBW issued against the petitioner is hereby recalled and the petitioner is directed to appear before the learned VII Additional District Judge, Gudur on the next date of adjournment i.e. on 29.04.2026.

Consequently, miscellaneous applications pending, if any, shall stand closed.

DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

Date: 21.04.2026.

Note: *Issue C.C. by today.*
B/o.
S D P

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THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL REVISION CASE NO: 435/2026

Dt.21.04.2026

Note: *Issue C.C. by today.*
B/o.
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