

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
WEDNESDAY, THE FIFTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY ONE



:PRESENT:
THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

IA No. 1 OF 2021
IN
CRLP NO: 4621 OF 2021

Between:

D. Rambhupal Reddy, S/o Late D.VenkataSubba Reddy, Hindu, aged about 49 years, residing in D.No.13-1-1 15, Peddakapu street, Tirupati, Chittoor District

.... Petitioner/Accused Nos4

AND

1. The State of Andhra Pradesh, rep., by its Public Prosecutor, High Court Judicature, Amaravathi.
2. D. Srimannarayana Reddy, S/o D.Ramakrishna Reddy, Hindu, aged about 54 years, r/o in D.No.19-13/1-12, Narayanapuram, Tirupati, Chittoor District.

.... Respondents/ Respondents

Counsel for the Petitioner : Sri MAHADEVA KANTHRIGALA
Counsel for the Respondent : PUBLIC PROSECUTOR

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings in C.C.No.307 of 2018 on the file of the II Additional Junior Civil Judge/II Additional Judicial Magistrate of 1 Class, Tirupati, Chittoor District including the personal appearance the petitioners, Pending disposal of CRLP No. 4621 of 2021, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case). The Court made the following

ORDER:

“The petitioner is A-4 in C.C.No.307 of 2018 on the file of learned II Additional Judicial Magistrate of First Class, Tirupati, Chittoor District. The name of the petitioner was not reflected in the F.I.R. that was lodged by the *de facto* complainant. However, after charge sheet was filed on completion of investigation, it appears that the learned Magistrate ordered for reinvestigation and on the basis of the said reinvestigation, the petitioner is shown as A-4 in the subsequent charge sheet that was filed by the police.

The petitioner now assails the very order of the learned Magistrate in ordering for reinvestigation on the ground that the Magistrate is not competent to order for reinvestigation and said power is not vested with him. In support of the said contention, learned counsel for the petitioner relied on the Judgment of the Honourable Apex Court in the case of *Vinay Tyagi v. Irshad Ali @ Deepak and others*¹

on the proposition that the power to direct reinvestigation or a fresh investigation is only vested with the superior courts and not with the Magistrates. On the basis of the law laid down in the said Judgment, when A-1 approached this Court for quash of the said proceedings, this Court in I.A.No.1 of 2019 in Crl.P.No.1456 of 2019, ordered for stay of further proceedings in C.C.No.307 of 2018 arising out of the same Crime No.106 of 2006 of East Police Station, UPD, Tirupati on the file of II Additional Judicial Magistrate of First Class, Tirupati, which is being subsequently extended.

Therefore, in the said facts and circumstances of the case, the petitioner, who is A-4 in the same case, who is similarly placed, is also entitled for similar relief, as he has been also now challenging the order of the learned Magistrate in directing reinvestigation on the basis of which, the present charge sheet came to be filed against him.

Therefore, there shall be interim stay of further proceedings against the petitioner in C.C.No.307 of 2018 on the file of learned II Additional Judicial Magistrate of First Class, Tirupati, Chittoor District, till the next date of hearing."

Sd/-M.SRINIVAS

ASSISTANT REGISTRAR

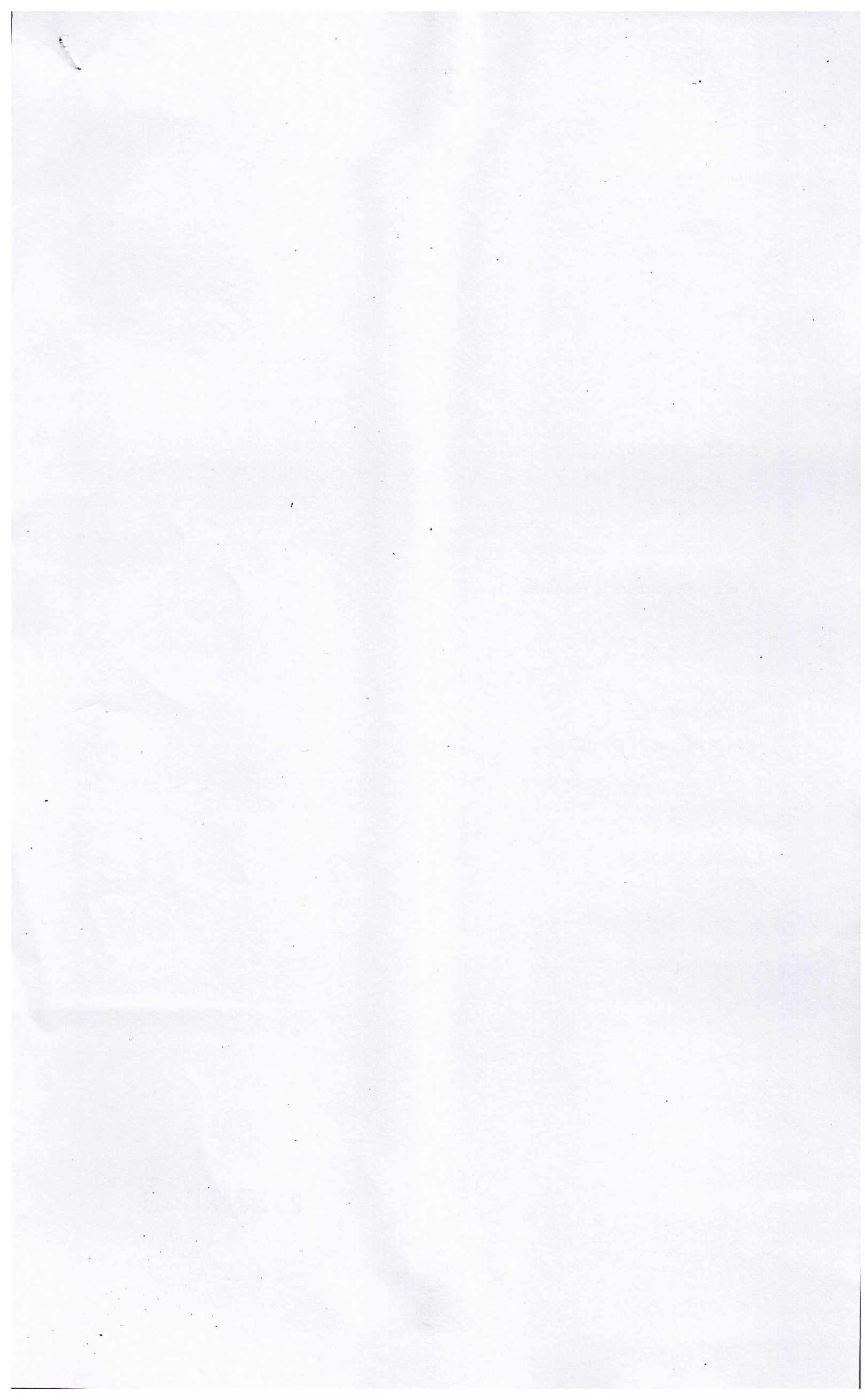
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For ASSISTANT REGISTRAR

To

1. The II Additional Magistrate of First Class, Tirupati.
2. The Station House Officer, East Police Station, UPD, Tirupati.
3. D. Srimannarayana Reddy, S/o D.Ramakrishna Reddy, r/o in D.No.19-13/1-12, Narayanapuram, Tirupati, Chittoor District. (by RPAD- along with a copy of petition and memorandum of grounds)
4. One CC to Sri. Mahadeva Kanthrigala Advocate [OPUC]
5. Two CC's to Public Prosecutor, High Court of AP, Amaravati[OUT]
6. One spare copy

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HIGH COURT

CMRJ

DATED:15/09/2021

POST AFTER FOUR WEEKS.

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STAY

