

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MAIN CASE No: CrI.P.No.4960 of 2025

PROCEEDING SHEET

SL. No.	DATE	ORDER	OFFICE NOTE
01.	06.05.2025	<u>HN, J</u> <u>I.A.No.1 of 2025</u> Heard. Dispensed with for the present. <u>CrI.P.No.4960 of 2025</u> Heard the learned counsel for the petitioner and the learned Assistant Public Prosecutor appearing for the State. The learned counsel for the petitioner submits that the petitioner is arraigned as an accused No.1 in C.C.No.2079 of 2024 on the file of Chief Metropolitan Magistrate, Visakhapatnam, for the alleged offences under Sections 406, 420, 120 (b) r/w 34 of IPC. It is submitted that the petitioner and the 2nd respondent have an agreement for the sale and purchase of Indonesian Stream Coal, vide contract dated 24.01.2018. It is also submitted that there is a dispute resolution clause in the agreement, which mandates referring any dispute arising between the parties to arbitration. However, the 2nd respondent has filed a false complaint for the alleged	Contd..

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		offences under Sections 406, 420, 120B r/w 34 of the IPC. It is submitted that the petitioner cannot be accused of committing the offences when there is a contract, and all disputes arising out of the said contract would have to be referred to arbitration. Considering the same, there shall be a stay of appearance of the petitioner in C.C.No.2079 of 2024 on the file of Chief Metropolitan Magistrate, Visakhapatnam, except on dates when the petitioner's presence is required, as directed by the learned Magistrate, for the purpose of the trial. The learned counsel for the petitioner is permitted to take out personal notice to the respondent No.2 through registered post with acknowledgment due and file proof of service in the Registry. Post the matter on 24.06.2025. <u>HN,J</u> PNS	

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