

APHC010239002026



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

[3521]

FRIDAY,THE FIRST DAY OF MAY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 3759/2026

Between:

1.MATTIGUNTA KIRAN KUMAR, S/O SESHAGIRI RAO, AGED ABOUT
34 YEARSR/O D. NO. 4-67/1, RAYAPUDI VILLAGE,THULLUR
MANDAL, GUNTUR DISTRICT.

...PETITIONER/ACCUSED

AND

1.THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC
PROSECUTOR,HIGH COURT OF ANDHRA PRADESH,AMARAVATI
AT NELAPADU, GUNTUR DISTRICT.

2.RAMISSETTY KRISHNA MURTHY, S/O VENKATESWARLU, AGED
ABOUT 46 YEARS,R/O D. NO. 4-92-A, RAYAPUDI
VILLAGE,THULLUR MANDAL, GUNTUR DISTRICT.

...RESPONDENT/COMPLAINANT(S):

Counsel for the Petitioner/accused:

1.G V S MEHAR KUMAR

Counsel for the Respondent/complainant(S):

1.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'), seeking to relax the condition of depositing 20% of the cheque amount imposed in the order dated 05.03.2026 passed in Crl.M.P.No.15 of 2026 in Crl.A.No.52 of 2026 on the file of the learned III Additional Sessions Judge, Guntur.

2. Heard the learned Counsel for the Petitioner and the learned Assistant Public Prosecutor.

3. Issuance of notice to Respondent No.2 is not required, inasmuch as the impugned order relates to deposit of 20% of the cheque amount within a stipulated time.

4. The learned Counsel for the Petitioner submits that the financial condition of the Petitioner is deplorable and he is unable to comply with the conditions imposed by the learned Appellate Court directing deposit of 20% of the cheque amount.

5. In this regard, it is apposite to refer judgment of the Hon'ble Apex Court wherein at **Jamboo Bhandari v. M.P. SIDC Ltd**¹ at Paragraph Nos.7 to 10, it is held that the court under exceptional cases may grant suspension of sentence without imposing the condition of deposit of 20% of the fine/compensation amount/cheque amount.

¹ (2023) 10 SCC 446

6. Considering the entire facts and circumstances of the case, the impugned order dated 05.03.2026 passed in Crl.M.P.No.15 of 2026 in Crl.A.No.52 of 2026 on the file of the learned III Additional Sessions Judge, Guntur, is slightly modified. The Petitioner is permitted to deposit 12% of the cheque amount within a period of four (04) weeks from the date of receipt of the copy of this order. On such deposit, Respondent No.2 is at liberty to withdraw the same upon furnishing sufficient surety to the satisfaction of the learned Trial Court.

7. In the result, the Criminal Petition is disposed of.

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

DR. Y. LAKSHMANA RAO, J

Date: 01.05.2026
KMS

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THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION No.3759 of 2026

Date: 01.05.2026

KMS