



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

[3521]

WEDNESDAY, THE SIXTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 3946/2026

Between:

GADDAM DEVA RATNAM KASBA, S/O. JOHN, AGED ABOUT 54
YEARS, RTD. EMPLOYEE, R/O. D.NO.2-19,
SHOBANAPURAMVILLAGE, AGIRIPALLI MANDAL, ELURU DISTRICT,
521211

...PETITIONER/ACCUSED

AND

1.THE STATE OF ANDHRA PRADESH, REP. BY ITSPUBLIC
PROSECUTOR, HIGH COURT OF ANDHRA PRADESH

2.CHINTALA AMARALINGESWARA RAO, CHINTALA
AMARALINGESWARA RAO DIED

3.CHINTALA LALITHA, L.R.W/O. LATE CHINTALA
AMARALINGESWARA RAO, AGED ABOUT 38 YEARS, HOUSEWIFE,
R/O. D.NO.59-A-88, FIAT NO. 13, MARUTHI COOPERATIVE
SOCIETY COLONY,PATAMATA, VIJAYAWADA, 520008

...RESPONDENT/COMPLAINANT(S):

Counsel for the Petitioner/accused:

RATHANBABU SANDIPAMU

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'), seeking to quash the proceedings *vide* order dated 04.02.2026 in Crl.M.P.No.85 of 2026 in Crl.A.No.38 of 2026 on the file of the learned VIII Additional District and Sessions Judge, Vijayawada.

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

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

4. The learned counsel for the petitioner submits that the petitioner has taken voluntary retirement due to his severe ailments. He is suffering from obesity and anaemia. His wife is also suffering from severe health issues. It is further submitted that whatever amount is earned by the petitioner towards his pension is being spent on medical expenses, and therefore, the petitioner is not in a position to comply with the order of the learned Appellate Court directing deposit of 20% of the compensation 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.

6. Considering the entire facts and circumstances of the case, the impugned order dated 04.02.2026 passed in Crl.M.P.No.85 of 2026 in Crl.A.No.38 of 2026 on the file of the learned VIII Additional District and Sessions Judge, Vijayawada, is slightly modified. The petitioner is permitted to deposit 10% of the compensation amount within a period of six weeks from the date of receipt of the copy of this order. On such deposit, Respondent No.3 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: 06.05.2026
RSI

¹ (2023) 10 SCC 446

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THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION No.3946 of 2026

Date: 06.05.2026

RSI