

**HIGH COURT OF ANDHRA PRADESH AT AMARAVATI**

**Crl.P.No.4234 of 2026**

**PROCEEDING SHEET**

| Sl. No | DATE       | ORDER                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | OFFICE NOTE |
|--------|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| 03.    | 04.08.2026 | <p><b><u>MRK, J</u></b></p> <p>Heard learned counsel for the petitioner.</p> <p><b>2.</b> Learned Assistant Public Prosecutor takes notice on behalf of respondent No.1 and seeks time for obtaining instructions.</p> <p><b>3.</b> Issue notice to unofficial respondent No.2.</p> <p><b>4.</b> Learned counsel for the petitioner is permitted to take out personal notice to the unofficial respondent No.2 through speed post with acknowledgment due and file proof of service in the Registry.</p> <p><b>5.</b> Learned counsel for the petitioner mainly asserts that the police filed charge-sheet under Sections 406 and 420 along with other IPC offences.</p> <p><b>6.</b> He further asserts that Sections 406 and 420 of IPC cannot simultaneously go together, which is against the purport of the well settled legal principle held by the Hon'ble Supreme Court in <b>Arshad Neyaz Khan vs. State of Jharkhand</b></p> |             |

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|  |  | <p><b>&amp; another<sup>1</sup> and in Delhi Race Club (1940) Limited vs. State of Uttar Pradesh<sup>2</sup>.</b></p> <p><b>7.</b> Having regard to facts and circumstances of case, this Court finds prima facie force in the submissions advanced by the learned counsel for the petitioner in the light of <b>Arshad Neyaz Khan's</b> and <b>Delhi Race Club (1940) Limited's</b> cases.</p> <p><b>8.</b> Matter requires consideration after hearing other side too.</p> <p><b>9.</b> Considering facts and circumstances and in view of the authoritative dictum held by the Apex Court in <b>Arshad Neyaz Khan's</b> and <b>Delhi Race Club (1940) Limited's</b> cases, there shall be an interim stay of all further proceedings in C.C.No.1005 of 2022 on the file of Additional Judicial First Class Magistrate, Gudivada to the extent the petitioner (A17) is concerned, for a period of twelve (12) weeks.</p> <p><b>10.</b> List on 06.10.2026.</p> <p style="text-align: right;"><b>MRK, J</b></p> <p>krk</p> |  |
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<sup>1</sup> 2025 LiveLaw (SC) 950

<sup>2</sup> (2024) 10 SCC 690