

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

WEDNESDAY, THE TWENTY FOURTH DAY OF JUNE

TWO THOUSAND AND TWENTY SIX

:PRESENT:

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 4896 OF 2026

Between:

Costal Local Area Bank Ltd, Rep. by its Authorized Officer and Chief Manager, Mr. Yasoda Krishna Rao, S/o. Raghavaiah, Aged about 61 years, Vijayawada.

.... Petitioner/Respondent No.1/Petitioner.

AND

1. The State of Andhra Pradesh, Rep by its Public Prosecutors, High Court of Andhra Pradesh, Amaravathi.
2. Kotra Phani Kumar, S/o. Jagadeesh, Aged about 41 years, R/o. 16-5-4, Sanjeev Rao Street, Purnanandam Pet, Gandhi Nagar, Vijayawada.
3. Kotra Krishna Chaitanya, S/o. Jagadeesh, Aged about 40 years, R/o. Qtr. No. 4096, Sector 5, Ukkunagaram, Pedagantyada, Visakhapatnam.

... Respondents/Petitioners/Respondent Nos. 4 and 5.

4. Telaprolu Vikram, S/o. late Rama Subba Rao, Aged about 49 years, D. No. 76-9-22/2, Akula Rajeswara Rao Street, Bhavanipuram, Vijayawada.
5. Telaprolu Pratap, S/o. late Rama Subba Rao, Aged about 46 years, R/o. D. No. 76-9-22/2, Akula Rajeswara Rao Street, Bhavanipuram, Vijayawada.
6. K Nirmala Devi, W/o. Late Kotra Nirajan Prasad, Aged about not known, R/o. D. No. 1-114, Inavolu Village, Thulluru Mandal, Guntur District.

... Respondents/Respondents/Respondents

7. Y Nageswar Rao, Advocate. Bezawada Bar Association, Vijayawada.

.... Respondent/Performa Respondent.

Petition under Section 528 of BNSS is filed, praying that in the circumstances stated in the affidavit filed in support of the Criminal Petition, the High Court may be pleased to quash the proceedings entertaining in CrI. M.P. No. 2859 of 2025 In CrI. M.P. No. 2353 of 2025 on the file of the Chief Judicial Magistrate at Vijayawada.

IA NO: 1 OF 2026

Petition under Section 528 of BNSS is filed, 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 CrI. M.P. No. 2859 of 2025 In CrI. M.P. No. 2353 of 2025 on the file of the Chief Judicial Magistrate at Vijayawada, pending disposal of the above quash petition, as otherwise, the petitioner will suffer irreparable loss and injury., Pending disposal of CRLP 4896 of 2026, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI M R S SRINIVAS Advocate for the Petitioner, Assistant Public Prosecutor for respondent no.1, the Court made the following.

ORDER

Heard Sri M.R.S. Srinivas, learned counsel for the petitioner and learned Assistant Public Prosecutor.

2. Learned counsel for the petitioner asserts that the petitioner is bank and advanced loan in favour of the 5th respondent. He submits that due to default from the borrower and the guarantors, the bank issued notices dated 02.01.2024 and 04.03.2024 under Section 13(2) & 13(4) of the Securitization and Reconstruction of Financial Assets and

Enforcement of Security Interest Act, 2002 (in short 'SARFAESI Act, 2002'), which were acknowledged by the unofficial respondents. He further submits that the bank later on proceeded with the paper publication and conducted auction on 23.04.2024, but after noticing the procedural mistake, the bank initiated steps and withdrawn the first phase of proceedings against the respondents, legally.

3. Learned counsel for the petitioner submits that the bank is rectifying its procedural defects and proceeding with the matter afresh by following due process of law. He submits that the bank filed Crl.M.P.No.2353 of 2025 before the learned Chief Judicial Magistrate at Vijayawada, wherein, advocate commissioner was appointed to take possession of the respondents' subject properties and to deliver the same to the petitioner/ Bank vide orders dated 19.08.2025.

5. He submits that the respondents again to arm twist and escape from the debt, only to drag on the time, has filed Crl.M.P.No.2859 of 2025 on the file of the learned Chief Judicial Magistrate at Vijayawada., seeking stay the execution orders dated 19.08.2025.

6. On the other hand, learned Assistant Public Prosecutor seeks time to get instructions in the lis.

7. As seen from the record, there were procedural errors committed by the petitioner/Bank, which were rectified by taking appropriate legal measures and in the subsequent proceedings, the second phase, the unofficial respondents seem to be suppressing the earlier interim orders dated 29.11.2024 granted by this Court in Crl.P.No.8661 of 2024, which *prima facie* results in violation of doctrine of *suppressio veri expression falsi* as held by the Apex Court in *Kusha Duruka Vs. State of Odisha*¹ and also very initiation of proceedings

¹ (2024) 4 SCC 432

contrary to Section 32 of the SARFAESI Act, 2002, and *Priyanka Srivastava & Anr. Vs. State of Uttar Pradesh & Ors.*². Hence, the matter requires detailed consideration after hearing the other side.

8. In these circumstances, there shall be interim stay of all further proceedings Crl.M.P.No.2859 of 2025 in Crl.M.P.No.2353 of 2025 on the file of the learned Chief Judicial Magistrate at Vijayawada., until further orders.

9. Post on 22.07.2026.

10. Meanwhile, the learned counsel for the petitioner is permitted to takeout personal notice on the unofficial respondents through speed post and file proof of service in the Registry.

//TRUE COPY//

SD/- L.MANJULA
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. Kotra Phani Kumar, S/o. Jagadeesh, Aged about 41 years, R/o. 16-5-4, Sanjeev Rao Street, Purnanandam Pet, Gandhi Nagar, Vijayawada.
2. Kotra Krishna Chaitanya, S/o. Jagadeesh, Aged about 40 years, R/o. Qtr. No. 4096, Sector 5, Ukkunagaram, Pedagantyada, Visakhapatnam.
3. Telaprolu Vikram, S/o. late Rama Subba Rao, Aged about 49 years, D. No. 76-9-22/2, Akula Rajeswara Rao Street, Bhavanipuram, Vijayawada.
4. Telaprolu Pratap, S/o. late Rama Subba Rao, Aged about 46 years, R/o. D. No. 76-9-22/2, Akula Rajeswara Rao Street, Bhavanipuram, Vijayawada.
5. K Nirmala Devi, W/o. Late Kotra Nirajan Prasad, Aged about not known, R/o. D. No. 1-114, Inavolu Village, Thulluru Mandal, Guntur District.

6. Y Nageswar Rao, Advocate.Bezawada Bar Association, Vijayawada.(1 to 6 by RPAD)
7. One CC to SRI. M R S SRINIVAS Advocate [OPUC]
8. Two CCs to PUBLIC PROSECUTOR, High Court of Andhra Pradesh.[OUT]
9. One spare copy

KSR

HIGH COURT

MRK, J

DATED:24/06/2026

Post on 22.07.2026.

ORDER

CRLP.No.4896 of 2026

DIRECTION

