

[3369]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

FRIDAY, THE TWENTY FOURTH DAY OF OCTOBER

TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE T MALLIKARJUNA RAO



IA No. 1 OF 2025

IN

CRLA NO: 259 OF 2022

Between:

Kanigolla Sudhir, S/o Late Sri KVK Jagath Kumar, Age: 57 Years, Occ: Business, R/o Door No. 3B-17-22/1&2, Sri Nilayam, Sanagapappu Bazar, Eluru - 534 001, Eluru District

Petitioner/Appellant

(Petitioner in CRLA 259 OF 2022

on the file of High Court)

AND

1. Yandra Subba Rao, S/o Late Sri Satyanarayana, R/o Door No. 1-31, Komadavolu, Palagudem, Eluru - 534 005, Eluru District
2. State of Andhra Pradesh, Rep. by its Public Prosecutor, High Court at Amaravathi.

...Respondents/Respondents

(Respondents in-do-)

Counsel for the Petitioner :SRI N SIVA REDDY

Counsel for the Respondent No.1:SRI G SRI HARSHA

Counsel for the Respondent No.2: PUBLIC PROSECUTOR

Petition under Section 528 of BNSS is filed praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to direct the Registry of this Hon'ble Court to return the original Promissory Note dated 19-10-2015, which was marked as

Ex-P.1 in CC No. 268 of 2019 on the file of the Court of the II Additional Judicial Magistrate of First Class, Eluru on substitution of the same with its certified copy, Pending disposal of CRLA No. 259 of 2022, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order. (The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER:

This Interlocutory Application is filed to return the original promissory note dated 17.02.2016, which was marked as Ex-P1 in C.C.No.268 of 2019 on the file of the learned II Additional Judicial Magistrate of First Class, Eluru.

Heard learned counsel for the petitioner.

Despite conditional order passed by this Court on 17.10.2025 directing the respondent No.1 to file counter affidavit, if any, no counter has been filed and none appeared for the respondent No.1.

Considering the submissions of learned counsel for the petitioner that civil suits are pending before the Courts concerned for want of promissory notes, which were marked in this Court and since the appeal relates to the year 2022, this Court is of the view that it may take considerable time to dispose of the matter.

In the said facts of the case, Registry is directed to return the Ex.P1 Promissory note to the petitioner subject to the production of certified copies of the said documents and undertaking that the documents would be filed as and when they are required.

Accordingly, this Interlocutory Application is allowed.

//TRUE COPY//

For ,

SD/- M.PRABHAKARA RAO
DEPUTY REGISTRAR

SECTION OFFICER

To,

- 1) **The II Additional Judicial Magistrate of First Class, Eluru**
 - 2) Yandra Subba Rao, S/o Late Sri Satyanarayana, R/o Door No. 1-31,
Komadavolu, Palagudem, Eluru - 534 005, Eluru District (By RPAD)
 - 3) One CC to SRI. N SIVA REDDY Advocate [OPUC]
 - 4) One CC to SRI. G SRI HARSHA Advocate [OPUC]
 - 5) Two CCs to Public Prosecutor, High Court of AP [OUT]
 - 6) The Section Officer, Criminal Section, High Court of Andhra Pradesh,
Amaravati.
 - 7) The Section Officer, VR Section, High Court of Andhra Pradesh,
Amaravati.
 - 8) One spare copy
- Kj

HIGH COURT

TMR,J

DATED:24/10/2025

LIST THE MATTER AFTER THREE WEEKS

ORDER

IA No. 1 OF 2025

IN

CRLA.No.259 of 2022



IA No. 1 OF 2025 IS ALLOWED