

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI



TUESDAY, THE EIGHTEENTH DAY OF JULY
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY

CRIMINAL PETITION NO: 4969 OF 2023

Between:

Dunga Ritesh Naidu, S/o. Dunga Surya Rao (late), Hindu, Aged 34 Years, Occ. Business, R/o. Flat No. 132, C Block, Poojitha Water Front, Tadepalli, Guntur, Andhra Pradesh 500 501

...PETITIONER

AND

1. The State of Andhra Pradesh, Represented by the Public Prosecutor, Judicature of Honourable High Court of Andhra Pradesh, PS. Srikakulam II Town, Srikakulam City, A.P

...RESPONDENT

2. Gojja Rama Krishna, S/o Mukalingam, Hindu, Aged 46 Yrs, R/o Gopalapuram (V), Saravakota(M), Srikakulam - District, Andhra Pradesh.

...RESPONDENT/DEFACTO COMPLAINANT

WHEREAS the Petitioner above named through their Advocate Sri Mannam Venkata Krishna Rao presented this Petition under Section 482 of Cr.P.C, praying that in the circumstances stated in the grounds filed in Criminal Petition, the High Court may be pleased to invoke the powers vested in by S. 482 Cr. PC and quash the proceedings in CC No. 1768 of 2021 on the file of Honourable Additional Judicial First-Class Magistrate, Srikakulam.

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Sri Mannam Venkata Krishna Rao, Advocate for the Petitioner and of Public Prosecutor for Respondent No.1, directed issue of notice to the Respondent No.2 herein to show cause as to why this CRIMINAL PETITION should not be admitted.

You viz:

Gojja Rama Krishna, S/o Mukalingam, R/o Gopalapuram (V), Saravakota(M), Srikakulam - District, Andhra Pradesh.

- are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the memorandum of grounds filed therewith (copy enclosed) this CRIMINAL PETITION should not be admitted, within six (6) weeks.

IA NO: 1 OF 2023

is filed
Petition under Section 482 of Cr.P.C, praying that in the circumstances stated in the grounds filed in Criminal Petition, the High Court may be pleased to stay all further proceedings in CC 1768 of 2021 on the file of Honourable Addl. Judicial First-Class Magistrate Court, Srikakulam, Andhra Pradesh, pending disposal of CRLP No. 4969 of 2023, on the file of the High Court.

The Court made the following
ORDER:

"Learned Assistant Public Prosecutor takes notice for respondent No.1 and seeks time to get instructions in the matter.

Issue notice to respondent No.2.

Learned counsel for the petitioner is permitted to take out personal notice to respondent No.2 by RPAD and file proof of service before the Registry within a period of three (3) weeks.

A perusal of the charge sheet goes to show that entire accusations are directed against the brother of the petitioner herein namely Appalaswamy Naidu, who alleged to have taken monies from the *de facto* complainant on the pretext of providing job in the Electricity Department, Srikakulam. It is shown that the said Appalaswamy Naidu died. Thereafter, the *de facto* complainant has filed the present complaint against the petitioner herein, who happens to be the brother of the deceased Appalaswamy Naidu. The criminal liability cannot be fastened on the family members.

In view of the aforesaid facts and circumstances of the case, there shall be interim stay of all further proceedings including appearance of the petitioner herein in CC No.1768 of 2021 on the file of learned Additional Judicial Magistrate of First Class, Srikakulam, for a period of eight (8) weeks.

List the matter after six (6) weeks."

Sd/- K. J. RAJA BABU
ASSISTANT REGISTRAR

//TRUE COPY//

For / SECTION OFFICER

To,

1. The Additional Judicial First-Class Magistrate, Srikakulam.
2. The Station House Officer, Srikakulam II Town Police Station, Srikakulam City
3. Gojja Rama Krishna, S/o Mukalingam, R/o Gopalapuram (V), Saravakota(M), Srikakulam - District, Andhra Pradesh.(by RPAD- along with a copy of petition and memorandum of grounds)
4. One CC to Sri. Mannam Venkata Krishna Rao, Advocate [OPUC]
5. Two CCs to Public Prosecutor, High Court of AP [OUT]
6. One spare copy.

MSB

HIGH COURT

SRK,J

DATED:18/07/2023

ORDER

LIST THE MATTER AFTER SIX (6) WEEKS

NOTICE BEFORE ADMISSION

CRLP.No.4969 of 2023

INTERIM STAY

