



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

[3396]

MONDAY, THE TWENTY SEVENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION No. 5595/2024

Between:

1. B. SIVA KRISHNA, S/O. B. KONDAIAH, AGED ABOUT 24 YEARS,
OCC-STUDENT, R/O.D.NO.56/14-2, SASTRI NAGAR,
AKKAYAPALLI, KADAPA CITY, YSR KADAPA DISTRICT.

...PETITIONER/ACCUSED

AND

1. SUBBI REDDY GARI RAMANJANEYA REDDY, S/O SUBBIREDDY
GARI NAGI REDDY, AGED ABOUT 52 YEARS, OCC- BUSINESS,
R/O.D.NO.9/41, B.RACHA PALLI, NALLAGUTTA PALLI,
RAMAPURAM MANDAL, ANNAMAYYA DISTRICT
2. THE STATE OF ANDHRA PRADESH, REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF ANDHRA PRADESH AT
AMARAVATHI, GUNTUR DISTRICT

...RESPONDENT/COMPLAINANT(S):

Petition under Section 437/438/439/482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash the order dated 18.12.2023 made in S.T.C.No.1307 of 2022 which was confirmed in CrI.M.P.No.45 of 2024, dated 21.05.2024, pending before The Additional Judicial Magistrate of First Class, Rayachoty, Annamayya District by reducing the surety amount and pass

IA NO: 1 OF 2024

Petition under Section 482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased may be pleased to Dispense with the filing of certified copy of order dated 21.05.2024 made in CrI.M.P.No.45 of 2024 in S.T.C.No.1307 of 2022 on the file of The Additional Judicial Magistrate of First Class and pass

Counsel for the Petitioner/accused:

1. SURESH KUMAR REDDY KALAVA

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR
- 2.

The Court made the following:

ORDER:

This Criminal Petition under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.') is filed by the Petitioner seeking the following relief:

" ... to quash the order dated 18.12.2023 made in S.T.C.No.1307 of 2022 which was confirmed in CrI.M.P.No.45 of 2024, dated 21.05.2024, pending before The Additional Judicial Magistrate of First Class, Rayachoty, Annamayya District by reducing the surety amount and pass .."

Heard Sri Suresh Kumar Reddy Kalava, learned counsel for the Petitioner and Ms.Priyanka Lakshmi, learned Assistant Public Prosecutor for respondent State. Perused the material on record.

Learned counsel for the Petitioner would submit that Petitioner is facing allegations of dishonour of cheques which is the subject matter of STC No.1307 of 2022 on the file of the Court of Additional Judicial Magistrate of First Class, Rayachoty, for the offence punishable under Section 138 of the Negotiable Instruments Act. Further, due to ill-health, Petitioner/Accused could not attend the Court on the date of adjournment i.e., on 18.12.2023 and the Petition under Section 317 Cr.P.C. is filed by his Counsel and Learned Magistrate allowed the Petition on the condition to execute a self bond for Rs.2,00,000/- with two sureties for the likesum each. Further, Petitioner/Accused filed a Petition under Section 440 of Cr.P.C, requesting to reduce the surety amount from Rs.2,00,000/- to Rs.10,000/-. Learned Magistrate, dismissed the said Petition *vide* Order dated 21.05.2024, which is impugned in this Criminal Petition seeking to relax the condition imposed by the Trial Court. Learned counsel would submit

that Petitioner is a student and pursuing his Post-Graduation in Nellore and he cannot comply with the said condition. Learned counsel would submit that in the Trial Court, the matter has been adjourned from time to time for different reasons. Further, the Presiding Officer is on training. Hence, prayed to reduce the surety amount imposed by the Trial Court.

Learned Assistant Public Prosecutor for respondent State would submit that this Court may pass appropriate orders.

Having regard to the facts and circumstances of the case, and considering the submissions, the surety amount of Rs.2,00,000/- is reduced to Rs.5,000/- with sureties for the likesum each to assure the presence of the Petitioner by the next date of hearing in the Trial Court i.e., on 29.10.2025 in STC No.1307 of 2022.

Accordingly, the Criminal Petition is partly allowed.

Pending applications, if any, shall stand closed.

DR.JUSTICE VENKATA JYOTHIRMAI PRATAPA

*Mj//**

HON'BLE DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

Criminal Petition No. 5595 of 2025

27.10.2025

*Mjl /**