

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
MONDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FOUR



:PRESENT:

THE HONOURABLE SRI JUSTICE B V L N CHAKRAVARTHI

IA No. 1 OF 2024

IN

CRLP NO: 5573 OF 2024

Between:

1. Vasipalli Bhavya, D/o Venkata Sesha Reddy, w/o. Daltan Prasad Reddy, aged about 19 years, Krishnapadu Village, Jaladanki Mandal, SPSR Nellore District.
2. Anam Sujathamma, W/o Venkata Sesha reddy, aged about 60 years, Vengareddypalem Village, Sangam Mandal, SPSR Nellore District.
3. Anam Venkata Sesha Reddy, S/o Venkata Subba Reddy, aged about 65 years, Vengareddypalem Village, Sangam Mandal, SPSR Nellore District.
4. Vasipalli Sasi, W/o Venkata Ramana Reddy, aged about 40 years, Krishnapadu Village, Jaladanki Mandal, SPSR Nellore District.
5. Vasipalli Venkata Ramana Reddy, S/o Krishna Reddy, aged about 50 years Krishnapad Village, Jaladanki Mandal, SPSR Nellore District.
6. Kalluru Sireesha, W/o Narayana Reddy, aged about 46 years Door No.27-47-1030, Jagadish Nagar, 2nd Street, Children's Park, Nellore City.
7. Kalluru Narayana Reddy, S/o Pitchi Reddy, aged about 50 years. Door No. 27-4-355-5, Ramji Nagar, 5th Street, children's Park, Nellore City.
8. Rami Reddy Usha Rani, W/o Hazarath Reddy, aged about 42 years. Door No. 27-4-355-5, Ramji Nagar, 5th Street, Children's Park, Nellore City.
9. Ramireddy Hazarath Reddy, S/o Masthan Reddy, aged about 45 years. Door No. 27-4-355-5, Ramji Nagar, 5th Street, Children's Park, Nellore City.

10. Ramireddy Mastan Reddy, S/o Subba Reddy, aged about 60 years, Ravulakollu Village, Atmakuru Mandal, Nellore District.

Petitioners/Accused 2 to 11

AND

1. The State of Andhra Pradesh, Rep. by its Public Prosecutor High Court of AP, Amaravati.
2. Anam Jyothi, W/o Anam Prasad Reddy, C/o Pallaka Sankar Reddy, R/o. D.No.2-10-75/2, R and B Bungalow Road, Kovuru Village and Mandal, SPSR Nellore District.

Respondents

Counsel for the Petitioners : SRI MALIREDDY GOWTHAM

Counsel for the Respondent No.1:PUBLIC PROSECUTOR

Petition under 482 of Criminal Procedure code/ 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 in C.C.No.1895 of 2019 on the file of Judicial Magistrate of 1st Class, Special Mobile Court, Nellore, including the appearance of the Petitioners/Accused, Pending disposal of CRLP No. 5573 of 2024, 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

“Learned Assistant Public Prosecutor representing the State would submit that the offence involved in the case is punishable under Section 494 I.P.C. The petitioner No.1 is the wife of A1 in the case and allegation is that the petitioner married accused No.1 while the defacto-complainant is in subsistence. He would submit that as per the settled law, the second wife cannot be prosecuted for the offence punishable under Section 494 I.P.C. In support of his arguments, he relied on the

judgment of this Court in 2024 SCC online AP 459. He would further submit that the allegation against the petitioner Nos.2 to 10 herein is that they attended the alleged second marriage. Except that, there is no allegation that they facilitated the alleged second marriage and therefore, in the absence of such allegations, they cannot be prosecuted for the offence punishable under Section 494 I.P.C. In support of his contentions, he relied on the judgment of Hon'ble Apex Court in (1992) 3 Supreme Court Cases 317.

Considering the above facts and circumstances and in view of the judgment of the Hon'ble Apex Court in Chand Dhawan (SMT) Vs. Jawaharlal and Others reported in (1992) 3 SCC 317 and the judgment of this Court in B.Prameela Vs. State of Andhra Pradesh and another reported in 2024 SCC Online AP 459, there shall be interim stay of all further proceedings in C.C.No1895 of 2019 on the file of learned Judicial Magistrate of First Class-cum-Special Mobile Court, Nellore, against the petitioners herein/A2 to A11, for a period of eight (08) weeks."

Sd/- SK. MD. RAFI
ASSISTANT REGISTRAR

//TRUE COPY//

For

SECTION OFFICER

To,

1. The Judicial Magistrate of First Class-cum-Special Mobile Court, Nellore
2. Anam Jyothi, W/o Anam Prasad Reddy, C/o Pallaka Sankar Reddy, R/o. D.No.2-10-75/2, R and B Bungalow Road, Kovuru Village and Mandal, SPSR Nellore District. (by RPAD)
3. One CC to SRI. MALIREDDY GOWTHAM Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR, High Court of A.P.[OUT]
5. **One spare copy**

HIGH COURT

BVLNC,J

DATED:12/08/2024

ORDER

IA No. 1 OF 2024

IN

CRLP NO: 5573 OF 2024

INTERIM STAY

