



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

[3560]

THURSDAY, THE EIGHTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

**PRESENT
THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA**

CRIMINAL REVISION CASE NO: 685/2015

Between:

1. KATRAGADDA RAVI KUMAR, KRISHNA DT., OCC: BUSINESS, R/O
DONKA ROAD, PATAMATA, VIJAYAWADA, KRISHNA DT.

...PETITIONER

AND

1. VENNA NARAYANARAO KRISHNA ANR REP PP, OCC: BUSINESS,
R/O.D.NO.61-4-15, KOTAVARI STREET, BALAJI NAGAR, KRISHNA
LANKA, VIJAYAWADA, KRISHNA DISTRICT.

2. THE STATE OF A P, REP. BY PUBLIC PROSECUTOR, HIGH COURT
OF JUDICATURE AT HYDERABAD FOR THE STATE OF TELANGANA
AND THE STATE OF ANDHRA PRADESH.

...RESPONDENT(S):

Counsel for the Petitioner:

1. G L NAGESWAR RAO

Counsel for the Respondent(S):

1. -

2. J SIVA SANKARA RAO

3. PUBLIC PROSECUTOR

The Court made the following:

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA**CRIMINAL REVISION CASE NO: 685/2015****ORDER:**

1. Instant Criminal Revision Case has been preferred against a concurrent finding of the learned Courts below, whereby the present Petitioner was convicted for an offence punishable under Section 138 of the Negotiable Instruments Act and directed the petitioner to undergo Simple Imprisonment for one (01) year and also to pay a fine of Rs.10,000/- (Rupees ten thousand only), in default to pay fine amount, he shall further undergo simple imprisonment for a period of three (03) months. Though the learned Counsel for the Petitioner appears before this Court and tried to contact with his client, but in spite of his best efforts, he could not contact with his client. Accordingly, the matter be taken up for passing Order.

2. The brief facts of the matter are that: the Petitioner herein and his brother jointly borrowed a sum of Rs.2,50,000/- (Rupees two lakh and fifty thousand only) from the Complainant by executing a Promissory note agreeing to pay on demand. The Petitioner issued a Cheque bearing No.777805 dated 18.08.2010 for amounting Rs.2,00,000/- (Rupees two lakhs only), when the Complainant placed the Cheque for encashment in his Banker, it was returned with an endorsement "funds insufficient". The Complainant issued a legal notice upon the Petitioner/Accused through a registered post. Said notice was

received by the Petitioner on 30.08.2010. In spite of service of notice, he could not honour the Cheque by payment of the amount.

3. During trial before the learned Trial Court, the Petitioner was examined as P.W.1 and 7 documents, including the Cheque and postal returns and others were exhibited as Ex.P.1 to Ex.P.7. After hearing the parties, the learned Trial Court has passed the Order of conviction.

4. Said Order of conviction was assailed before the Hon'ble Appellate Court in Criminal Appeal No.24 of 2014. During arguments several points for objection against the Order of conviction were raised before the Appellate Court. The learned Appellate Court has framed 5 (five) points to determine the Appeal and after discussing each and every point, the learned Appellate Court is of the view that there is no chance to interfere with the Order of conviction.

5. I have perused the observation of the learned Trial Court as well as the learned Appellate Court. The requirements of Provision under Section 138 of the negotiable Instruments Act and ingredients thereof have been sufficiently proved by the Complainant, by adducing evidences, both oral and documentary.

6. It further appears that in spite of receiving funds by virtue of execution of a Promissory note and also by issuance of a Cheque, the Petitioner/ Accused could not pay the Cheque amount. He has received the statutory demand notice, but after receiving of the same, he also not paid said amount. Accordingly, Order of conviction and sentence passed by the learned Trial Court appears to be justified. I have also perused the observation of the

Appellate Court which is in consonance with the provisions of Law. Accordingly, the instant Criminal Revision Case is hereby dismissed as devoid of merits.

7. In the result, the Criminal Revision Case is dismissed by confirming the order of conviction and sentence passed by the learned Trial Court.

The Order of suspension of sentence passed by this Court during pendency of this Criminal Revision Case is hereby vacated.

The petitioner is hereby directed to appear before the learned Trial Court within two (02) weeks from the date of publication (service) of this Order to serve out the remaining portion of the sentence, failing which, the learned Trial Court shall issue Non-bailable Warrant for compliance of order of this Court.

Consequently, pending miscellaneous applications, if any, shall stand closed.

JUSTICE SUBHENDU SAMANTA

CC today
Dated 18.12.2025
B/o
KS.

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THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

CRIMINAL REVISION CASE NO: 685/2015

DATED: 18.12.2025

KS

