

[3368]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MONDAY, THE TWENTY FIRST DAY OF OCTOBER

TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE B V L N CHAKRAVARTHI



CRIMINAL PETITION NO: 6044 OF 2024

Between:

Alapati Venkateswara Rao, S/o.Late.Venkata Siva Prasad, Aged 60 years, Occ: Business, D.No.3-40-11/2, Ruttala Vari Street, Nandibomma Centre, Tadepalligudem, West Godavari District, A.P

-(Respondent/Accused)

...Petitioner

AND

1. Sampara Gayatri, (As per CrI.M.P.No.68 of 2024) (As per Order - Sampanga Gayatri) W/o.Suresh Kumar, Aged about 32 years, Occ: Home Maker, Near Ramalayam Street, Prathipadu, , Pentapadu Mandal West Godavari District,A.P.

-(Petitioner/Complainant)

2. The State Andhra Pradesh, Rep. by its Public Prosecutor, High Court of Andhra Pradesh, At Amaravati, Guntur District, A.P.

...Respondents

Petition under Section 528 of BNSS 2023 (Old Section 482 of Cr.P.C., 1973), praying that in the circumstances stated in the memorandum of grounds filed in support of the Criminal Petition, the High Court may be pleased to call for records pertaining to CrI.M.P.No.68 of 2024 in C.C.No.213 of 2017 On the file of Principal Civil Judge (Junior Division)-Cum-Judicial Magistrate of I Class, Tadepalligudem, Westgodavari District and allow the Petition by setting aside the impugned common order dt.18.07.2024 (Mistakenly shown as 18.07.2023) made in CrI.M.P.No.68 of 2024 in C.C.No.213 of 2017 by the Principal Civil Judge (Junior Division)-Cum-Judicial Magistrate of I Class, Tadepalligudem, Westgodavari District.

IA NO: 1 OF 2024

Petition under Section 528 of BNSS 2023 (Old Section 482 of Cr.P.C., 1973), 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.213OF 2017 On the file of Principal Civil Judge (Junior Division)-Cum- Magistrate Judicial of I class Tadepalligudem, Westgodavari District .

The petition/Appeal coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri D V V S S N H BHUJANGA RAO Advocate for the Petitioner and Public Prosecutor (AP) Advocate for the Respondent and the Court made the following.

ORDER

“Heard Sri D.V.V.S.S.N.H.Bhujanga Rao, learned counsel for the petitioner.

It is submitted by the learned counsel for the petitioner that the learned trial court allowed the petition against Section 92 of the Indian Evidence Act and rendered the impugned order and now insisting the petitioner/accused to proceed with the further examination of P.W.1.

Considering the facts and circumstances of the case, there shall be interim stay of all further proceedings before the trial court for a period of four weeks.

Learned counsel for petitioner is permitted to take out personal notice on unofficial respondent and file proof of service in the Registry.

List this matter after three weeks.”

SD/- U. SRI DEVI

ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Principal Civil Judge (Junior Division)-Cum-Judicial Magistrate of I Class, Tadepalligudem, West Godavari District.
2. Sampara Gayatri, (As per CrI.M.P.No.68 of 2024) (As per Order - Sampanga Gayatri) W/o.Suresh Kumar, Aged about 32 years, Occ: Home Maker, Near Ramalayam Street, Prathipadu, Pentapadu Mandal West Godavari District,A.P. (by RPAD)
3. One CC to SRI. D V V S S N H BHUJANGA RAO Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR , High Court of Andhra Pradesh, Amaravati [OUT]
5. **One spare copy**



HIGH COURT

BVLNC,J

DATED:21/10/2024

LIST THIS MATTER AFTER THREE WEEKS.

ORDER

CRLP.No.6044 of 2024

INTERIM STAY

