

[3327]

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
TUESDAY, THE FIFTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY THREE .

:PRESENT:
THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY
CRIMINAL PETITION NO: 6698 OF 2023



Between:

Appaneni Srinivasulu Naidu, S/o.PeddaPalakondaiah Naidu, Aged about 31 years, Occ. Presently Working at Kuwait, Permanent resident of Kadapayapalli Village, Sidhout Mandal, Y.S.R. District

Petitioner/Accused No.2

AND

1. The State of Andhra Pradesh, rep.. by its Public Prosecutor/ High Court Buildings, Amaravati. Guntur District.
2. C.Venkateswarlu @ Yerrodu, S o. Late Munaiah, Aged about 25 years, Occ: Auto Driver, Rio. Sidhout Village AND Mandal, Kadapa District.

Respondents/Defacto Complainant

WHEREAS the Petitioner/Accused No.2 above named through his Advocate Sri V R REDDY KOVVURI presented this Petition under Section 482 of Cr.P.C, 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 the records in P.R.C. No.21 of 2017 in P.R.C. No.5 of 2018 on the file of the Court of II Addl. Judicial Magistrate of First Class, Kadapa registered for the offences under Section 364, 302 and 201 of IPC and quash the same;

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Sri V R REDDY KOVVURI Advocate for the Petitioner and of Public Prosecutor for the 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:

C.Venkateswarlu @ Yerrodu, S o. Late Munaiah, Aged about 25 years, Occ Auto Driver, Rio.. Sidhout Village AND Mandal, Kadapa District.

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 weeks.

IA NO: 3 OF 2023:

Petition under Section 482 of Cr.P.C is filed praying that in the circumstances stated in the memorandum of grounds filed in support of the petition, the High Court may be pleased to stay all further proceedings in PRC No 21 of 2017 in P.R.C. No. 5 2018 on the file of the Court of II Additional judicial Magistrate of First Class, Kadapa

registered for the offences under Section 364, 302 and 201 of IPC, pending disposal of CRLP No. 6698 of 2023, on the file of the High Court.

The Court made the following Order:

“Learned Special Assistant Public Prosecutor takes notice on behalf of 1st Respondent and seeks time to get instructions.

Issue notice to respondent No.2.

Learned counsel for the petitioner is permitted to take out personal notice to Respondent No.2 by Registered Post with Acknowledgment Due and file proof of service within a period of three (3) weeks.

A case has been registered as against the petitioner herein and another in Crime No.178 of 2013 of Chinna Chowk U/G Police Station, YSR District, for the offences punishable under Section 364, 302 and 201 IPC. Police after conducting investigation filed charge sheet. As the case is exclusively triable by the Court of Sessions, the case was made over to the Sessions Court and the same was numbered as S.C.No.68 of 2018 on the file of the IV Additional Sessions Judge, Kadapa, since case against A1 was split up, by judgment, dated 26.03.2021 the learned Sessions Judge was pleased to try the A1 for the aforesaid offences and case against A1 was acquitted.

This Court perused the judgment passed by the learned Sessions Judge, wherein, the complainant i.e. PW1 did not support prosecution case and was treated hostile. PW2 did not support the prosecution case. PWs.3 to 6 and 8 also did not support the prosecution case and they were treated hostile. When there is no evidence as against A1 and because of the said reason, the learned Sessions Judge was pleased to acquit A1. In such circumstances, allowing the trial, to be proceeded against the petitioner with the same evidence is nothing but abuse of the process of Court.

In view of the aforesaid facts and circumstances, there shall be an interim stay of all further proceedings including appearance of the petitioner herein in P.R.C.No.5 of 2018 on the file of the learned II Additional Judicial Magistrate of First Class, Kadapa, for a period of eight (8) weeks.

Post after six (6) weeks."

Sd/- SK.MOHAMMED RAFI
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The IV Additional Sessions Judge, Kadapa.
2. The II Additional Judicial Magistrate of First Class, Kadapa.
3. The Chinna Chowk U/G Police Station, YSR District.
4. C.Venkateswarlu @ Yerrodu, S o. Late Munaiah, Aged about 25 years, Occ: Auto Driver, Rio. Sidhout Village AND Mandal, Kadapa District. **(by RPAD-along with a copy of petition and memorandum of grounds)**
5. One CC to SRI. V R REDDY KOVVURI Advocate [OPUC]
6. Two CCs to PUBLIC PROSECUTOR, High Court of Andhra Pradesh. [OUT]
7. **One spare copy**

ER

HIGH COURT

SRKJ

DATED:05/09/2023

POST AFTER SIX (6) WEEKS

NOTICE TO RESPONDENT NO.2

CRLP.No.6698 of 2023

INTERIM STAY

