

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI
THURSDAY, THE THIRTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE



:PRESENT:

THE HONOURABLE SRI JUSTICE HARINATH.N
CRIMINAL PETITION NO: 6788 OF 2024

Between:

Koramutla Sai Krishna @ Sai, S/o Panchalaiah, Aged about 33 Years, R/o D.
Boyanapalli Village, Rajampet Mandal, Kadapa District.

...Petitioner/Accused-5

AND

1. The State of Andhra Pradesh, Rep. by its Public Prosecutor, High Court at Amaravathi, Through Station House Officer, Rajampet Urban Police Station, Rajampet Mandal, Kadapa District.
2. Rondia Venkata Subamma, W/o Ramana Reddy, aged about 50 yrs, Occ.House Wife R/o Atlur Town, Mandal of YSR, Kadapa District.

...Respondents

Petition under Section 528 of BNSS is filed 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 quash the proceedings in Crime.No.22 of 2017 U/s 376(1), 120 (b) to 366 (A) r/w 34 IPC and sec. 6 (c) and 7 r/w 8 POCSO Act 2012 on 15.02.2017, 28.07.2017, 14-08-2017, on the file of Rajampet Urban Police Station, Rajampet Mandal, Kadapa District.

IA NO: 1 OF 2024

Petition under Section 528 of BNSS is filed praying that in the circumstances stated in the memorandum of grounds filed in support of the petition, the High may be pleased stay of all further proceedings of petitioner/A-5 in Crime.No.22 of 2017 U/s 376(1), 120 (b) to 366 (A) r/w 34 IPC and sec. 6 (c) and 7 r/w 8 POCSO Act 2012 on 15.02.2017, 28.07.2017, 14-08-2017, on the file of Rajampet Urban Police Station, Rajampet Mandal, Kadapa District, Pending disposal of CRLP 6788 of 2024, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the memorandum of grounds filed in support thereof and upon hearing the arguments of SRI CHALLA AJAY KUMAR Advocate for the Petitioner, and of PUBLIC PROSECUTOR for the Respondent No.1, and the Court made the following.

ORDER:

"The learned counsel appearing for the petitioner submits that the petitioner is arraigned as Accused No.5 in Crime No.22 of 2017, on the file of Rajampet Urban Police Station, Rajampet Manda, Kadapa District, for the alleged offence under Sections 376(1), 120(b), 366(A) read with 34 of the Indian Penal Code (for short, "IPC") and Sections 6(c), 7 and 8 of the Protection of Children from Sexual Offences Act (for short, "POCSO" Act), 2012.

The learned counsel for the petitioner submits that the petitioner is shown as an absconding accused in the charge sheet filed by the police and the case has been taken on file as S.C.No.49 of 2022, on the file of the I Additional District Judge, Kadapa.

The learned counsel for the petitioner submits that the said case was transferred to the Special Court for the trial of offence under the Protection of Children from Sexual Offences Act (for short, "POCSO" Act), 2012, on 10.02.2022. The learned Assistant Public Prosecutor is directed to ascertain status of the case.

It is submitted by the learned counsel for the petitioner that the petitioner only assisted the 1st accused by providing financial assistance and arranging a house for the 1st accused. It is further submitted that the 1st accused had married the de facto complainant, who is the victim. For the said allegations, the petitioner cannot be held liable for offence punishable under Section 376(1). It is submitted that the petitioner is staying in Dubai and has been working there for the last several years. It is submitted that the petitioner used to visit his parents who are in India.

Considering the same, there shall be a stay of all further proceedings insofar as the petitioner is concerned in Crime No.22 of 2017 on the file of Rajampet Urban Police Station, Rajampet Mandal, Kadapa District, insofar as the petitioner is concerned.

The learned counsel for the petitioner(s) permitted to take out personal notice on the 2nd respondent by RPAD and file proof of service in the Registry.

Post the matter on 17.04.2025."

Sd/- K.TATA RAO
DEPUTY REGISTRAR

SECTION OFFICER

For ASSISTANT REGISTRAR

//TRUE COPY//

To,

1. The I Additional District Judge, Kadapa.
2. The Station House Officer, Rajampet Urban Police Station, Rajampet Mandal, Kadapa District.
3. Rondia Venkata Subamma, W/o Ramana Reddy, aged about 50 yrs, Occ.House Wife R/o Atlur Town , Mandal of YSR, Kadapa District. (by RPAD)
4. One CC to SRI. CHALLA AJAY KUMAR, Advocate [OPUC]
5. Two CCs to PUBLIC PROSECUTOR, High Court of Andhra Pradesh. [OUT]
6. One spare copy

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HIGH COURT

HN,J

DATED:13/03/2025

POST THE MATTER ON 17.04.2025

ORDER

CRLP.No.6788 of 2024

STAY

