

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
THURSDAY, THE SIXTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE



:PRESENT:

THE HONOURABLE SRI JUSTICE B V L N CHAKRAVARTHI
CRIMINAL PETITION NO: 7198 OF 2024

Between:

1. Smt P Gayatri, W/o. Mr. P. Nagaraju Aged about 35 years, Occ. Housewife. R/o. D. No. 13-11, Pathapeta, DHONE. Kurnool District. Aadhar Card No.336398241373.
2. Gayatri Granite Stona, Proprietary Concern Rep. by its Proprietor Mr. P. Nagaraju S/o. Sri P. Shankarappa, aged about 45 years Factory address Sy.No.275/11, (now it is not working) UDUMULAPADU Village. Dhone Mandal, Kurnool District.

...Petitioners/Accused No.1 & 2

AND

1. The State of Andhra Pradesh, Rep. by its Public Prosecutor, High Court of Andhra Pradesh at Amaravati.
2. Sri. B. Lakshminarayana Reddy, S/o. Sri. B. Nagi Reddy Occ. not known to the Petitioners/A1 and A2 R/o. Kothakota Village, DHONE Mandal. Kurnool Dist.

...Respondents/Defacto Complainant

Petition under Section 482 of Cr.P.C (Under New Section 528 of BNSS) 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 all further proceedings against the Petitioners/Accused No.1 and 2 in C.C No. 383 of 2019 on the file of the Principal Junior Civil Judge, Dhone, Nandyala District, to secure the ends of justice, as the same is unsustainable and nothing but abuse of law

IA NO: 1 OF 2024

Petition under Section 482 of Cr.P.C (New Section 528 of BNSS) praying that in the circumstances stated in the memorandum of grounds filed in support of the petition, the High Court may be pleased to grant stay of all further proceedings in C.C No. 383 of 2019 on the file of the Principal Junior Civil Judge, Dhone, Nandyala District, including the personal Appearance of the Petitioners/Accused No.1 and 2, Pending disposal of CRLP 7198 of 2024, on the file of the High Court.

The Petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI M NAGA RAGHU Advocate for the Petitioners, and of PUBLIC PROSECUTOR, for the Respondent No.1, the Court made the following

ORDER:

Heard learned counsel for the petitioners.

The short point involved in this case is whether the cheque returned by the Bank with an endorsement that kindly contract Drawer/Drawee Bank and please present again would amount to an offence under Section 138 of the Negotiable Instruments Act, 1881.

Learned counsel for the petitioners would submit that it is not an offence under Section 138 of the Negotiable Instruments Act, 1881 and relied on the Judgment of the High Court for the State of Telangana, in Crl.P.No.3492 of 2022 wherein the Hon'ble High Court held that such an endorsement will not amount to offence under Section 138 of the Negotiable Instruments Act, 1881.

Considering the same, there shall be an interim stay of all further proceedings in C.C.No.383 of 2019 on the file of the learned Principal Junior Civil Judge, Dhone, Nandyala District, for a period of four (04) weeks.

List along with Crl.P.Nos.7202, 7204, 7205, 7206, 7207, 7208 and 7209 of 2024 under the caption "for hearing" on 24.02.2025, finally.

Sd/- K. J. RAJA BABU
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

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To,

1. The Principal Junior Civil Judge, Dhone, Nandyala District
2. Sri. B. Lakshminarayana Reddy, S/o. Sri. B. Nagi Reddy R/o. Kothakota Village, DHONE Mandal, Kurnool District (by RPAD)
3. One CC to SRI. M NAGA RAGHU Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR, High Court of Andhra Pradesh [OUT]
5. One spare copy

PSR

HIGH COURT

BVLNC,J

DATED:06/02/2025

NOTE: List along with Crl.P.Nos.7202, 7204, 7205, 7206, 7207, 7208 and 7209 of 2024 under the caption “for hearing” on 24.02.2025, finally.

ORDER

CRLP.No.7198 of 2024

INTERIM STAY

