



IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI



WEDNESDAY, THE SIXTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE B V L N CHAKRAVARTHI

CRIMINAL APPEAL NO: 703 OF 2024

Appeal under Section 419(4) of BNSS, 2023 (378(4) of Cr.P.C), against the docket order passed in CC No. 1416 /2020 dated 27-09-2024 on the file of Judicial Magistrate of First Class, Special Mobile Court, Guntur.

Between:

Nakka Venu Gopal, S/o Gopala Krishnaiah, Aged About 55 Years, Hindu, Training officer, R/o H.No-4-16-265, PS Nagar 1st Line, Amaravathi Road, Guntur- 522002 (City, Mandal and District) within the limits of Arundel pet P.S,

...Petitioner/Complainant

AND

1. Kota Koti Reddy, S/o Seshi Reddy, Hindu, Aged about 39 Yrs, Business R/o Door No- 26-40-132, A.T Agraharam, 5th Line, Guntur- 522004. within the limits of Nagarampalem P.S, Guntur.
2. The State of Andhra Pradesh, rep. by State Public Prosecutor, High Court of Andhra Pradesh at Amaravathi.

...Respondents

Counsel for the Appellant: Sri Sivaji Rachamanti

Counsel for Respondent No.1: None Appeared

Counsel for Respondent No.2: Additional Public Prosecutor

The Court made the following:



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

[3368]

**WEDNESDAY, THE SIXTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE B V L N CHAKRAVARTHI

CRIMINAL APPEAL NO: 703/2024

Between:

1. NAKKA VENU GOPAL, S/O GOPALA KRISHNAIAH,
AGED ABOUT 55 YRS, HINDU, TRAINING OFFICER,
R/O HNO-4-16-265, PS NAGAR LINE, AMARAVATHI
ROAD, GUNTUR- 522002 (CITY, MANDAL AND
DISTRICT) WITHIN THE LIMITS OF ARUNDEL PET P.S,

...APPELLANT

AND

1. KOTA KOTI REDDY, S/O SESHI REDDY, HINDU, AGED
ABOUT 39 YRS, BUSINESS R/O DOOR NO- 26-40-132,
A.T AGRAHARAM, 5TH LINE, GUNTUR- 522004.
WITHIN THE LIMITS OF NAGARAMPALEM P.S,
GUNTUR.

2. THE STATE OF ANDHRA PRADESH, REP. BY STATE
PUBLIC PROSECUTOR, HIGH COURT OF ANDHRA
PRADESH AT AMARAVATHI.

...RESPONDENT(S):

Counsel for the Appellant:

1. SIVAJI RACHAMANTI

Counsel for the Respondent(S):

1. PUBLIC PROSECUTOR

2.

The Court made the following:

THE HONOURABLE SRI JUSTICE B.V.L.N.CHAKRAVARTHI**CRIMINAL APPEAL No: 703 of 2024****J U D G M E N T:**

Heard Sri Rachamanti Sivaji, learned counsel for the appellant and learned Additional Public Prosecutor representing the State.

2. Notice was taken to the respondent No.1/accused through registered post and the same was served. Proof of service filed. None appeared for the accused.

3. Learned counsel for the appellant would submit that this appeal is preferred challenging the order dated 27.09.2024 passed in C.C.No.1416 of 2020 on the file of the learned Judicial Magistrate of First Class-cum-Special Mobile Court, Guntur.

4. The learned Magistrate dismissed the complaint on the ground that batta not paid for execution of Non-Bailable Warrant against the accused.

5. Learned counsel for the appellant would further submit that the complainant is working as Junior Lecturer at Ongole Polytechnic College. Therefore, he could not attend on the date of adjournment.

6. Perusal of the order of the trial Court under challenge would disclose that the trial Court dismissed the matter on the ground that the matter is of the year 2020. It appears that Non-Bailable Warrant is pending against the accused. The trial Court ought to have taken

steps for execution of Non-Bailable Warrant instead of dismissing the complaint.

7. Considering the above facts and circumstances, the appeal is allowed. The order of the learned trial Court is set-aside. The matter is remitted to the trial Court, with a direction to dispose of the case in accordance with law.

8. Accordingly, the Criminal Appeal is allowed.

As a sequel thereto, interlocutory applications, if any, pending shall stand closed.

//TRUE COPY//

Sd/- S.V.S.R.MURTHY
JOINT REGISTRAR
// *St* //
SECTION OFFICER

To,

1. The Judicial Magistrate of First Class, Special Mobile Court, Guntur, Guntur District
2. One CC to Sri. Sivaji Rachamanti, Advocate [OPUC]
3. Two CCs to the Public Prosecutor, High Court of Andhra Pradesh at Amaravathi [OUT]
4. Two CD Copies

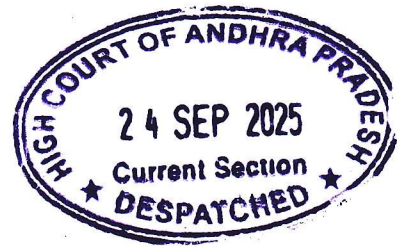
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HIGH COURT

DATED:06/08/2025

JUDGMENT

CRLA NO. 703 OF 2024



ALLOWING THE CRIMINAL APPEAL