

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
TUESDAY, THE TWENTY EIGHTH DAY OF DECEMBER, TWO THOUSAND AND TWENTY ONE
: PRESENT :

THE HONOURABLE SRI JUSTICE D. RAMESH

I.A.No. 1 of 2021

IN

CRIMINAL R.C. No. 882 of 2021



Between :-

Konda Ranga Rao, S/o. Nageswara Rao, A-Clerk in AJFCM Court,
Markapur, Resident of Ravuru Road, Desapea Post, Vetapalem Mandal,
Prakasam District.

.Petitioner/Appellant/Accused No.6
(Revision Petitioner in Crl.R.C.No.882/2021
on the file of the High Court)

AND

- 1.The State of Andhra Pradesh, rep. by its Public Prosecutor, High Court
Of Andhra Pradesh, at Velagapudi, Amaravati, Guntur District, through
The Station House Officer, Kandukuru P.S.
- 2.Veerastu Santhi, W/o. Balaji, Occ : Village Servant, 20th Ward,
Kalidasuvari Street, Kandukur, Prakasam District, Andhra Pradesh.

..Respondents/Defacto Complainant
(Respondents in-do-)

Petition under Section 482 of Cr.P.C. praying that in the circumstances stated in the grounds filed in the Crl.R.C., the High Court may be pleased to discharge the petitioner/A6 as an accused, A6 from the Crime No. 37/2013 of the P.S. Kandukur (T), pending disposal of Crl.R.C.No. 882 of 2021 on the file of High Court as against the order dt. 23-11-2021 passed in Crl.M.P.No. 1361 of 2021 in C.C.No. 282 of 2014 on the file of the Additional Judicial Magistrate of First Class, Kandukur.

The petition coming on for hearing, upon perusing the Petition and the grounds filed in Crl.RC., and upon hearing the arguments of Sri Jada Sravan Kumar, Advocate for the Petitioner, and of Public Prosecutor for Respondent No.1-State, the Court made the following

ORDER:-

“The petitioner, who is A6 has filed Crl.M.P.No. 1361 of 2021 in C.C.No.282 of 2014 under Section 239 of Cr.P.C., seeking to discharge him from the said case, but the same was dismissed by the Court below on the ground that the issue with regard to the petitioner’s involvement in the offence cannot be decided at that stage and can be decided only after full pledged trial. Aggrieved by the same, the present revision is filed.

Heard.

Learned counsel for the petitioner submits that initially after investigation, the Investigating Officer filed charge sheet by deleting the names of A2 to A8 from the accused list. But subsequently after hearing on the protest petition filed by the complainant, the Court below has directed the Station House Officer, Kandukur (T) Police Station, Prakasham District to file fresh charge sheet by adding the names of alleged accused i.e. A2 to A8, which is contrary to the Code of Criminal Procedure, 1973 (for short ‘Cr.P.C.’). He submits that as per Section 210(2) of Cr.P.C., if the Court satisfies that there is prima facie case against alleged accused, it can take cognizance but, direction cannot be given to the Investigating Officer to include the names of such accused and file fresh charge sheet.

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In view of the above submission, there shall be stay of all further proceedings in C.C.No.282 of 2013 in crime No.37 of 2013, on the file of learned Additional Judicial Magistrate of First Class, Kandukur, insofar as the petitioner is concerned."

M.RAMESH BABU
DEPUTY REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1.The Additional Judicial Magistrate of First Class, Kandukur, Prakasam District.
2. Veerastu Santhi, W/o. Balaji, Occ : Village Servant, 20th Ward,
Kalidasuvari Street, Kandukur, Prakasam District, Andhra Pradesh.
- 3.Two CCs to the Public Prosecutor, High Court of A.P.,(OUT)
- 4.One CC to Sri Jada Sravan Kumar, Advocate(OPUC)
- 5.One Spare copy.

TKK

HIGH COURT

DR.J

DATED: 28-12-2021.

BAIL ORDER

I.A.No. 1 of 2021
IN
CRL.R.C.No. 882 of 2021

INTERIM STAY

