

 [3327]

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

THURSDAY, THE SEVENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY

CRIMINAL PETITION NO: 8708 OF 2023

Between:

1. Peddireddy Gangadhara Rao, S/o Venkataratnam, aged 74 years, R/o Pulla, Bhimadole Mandal, West Godavari District.
2. Peddireddy Bujji, S/o Gangadhara Rao, aged 50 years, R/o Railway Quarters, Secunderabad.
3. Puppala Satyanarayana, S/o Gantaiah, aged 68 years, R/o N.M. PUram, Bhimadole Mandal, West Godavari District.
4. Ganta Srinu, S/o Gangadhara Rao, aged 54 years, R/o N.M.PUram, Bhimadole Mandal, West Godavari District.
5. Peddireddy Rambabu, S/o Rama Krishna aged 55 years, R/o N.M.Puram, Bhimadole Mandal, West Godavari District.

Petitioner/Accused 1 to 5

AND

1. The State of Andhra Pradesh, rep. by its Public Prosecutor, High Court of Andhra Pradesh, at Amaravati.
2. Bunga Chiranjeevi, S/o Nallaiah, aged 57 years, Occ: Cultivation, R/o Nageswarapuram, H/o Pulla, Bhimadole Mandal, West Godavari District.

Respondent/Complainant

WHEREAS the Petitioner above named through her Advocate Sri Ramesh Katikineni, presented this Petition under Section 482 of Cr.P.C, praying that in the circumstances stated in the affidavit filed in support of the Criminal Petition, the High Court may be pleased to quash SC ST Sessions Case No.75 of 2018 on the file of Hon'ble Special Sessions Judge for Trial of cases under SCs and STs(POA) Act-cum-VIII Additional District Judge, West Godavari, Eluru;

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Sri Ramesh Katikineni, Advocate for the Petitioner, and of Public Prosecutor for 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:

Bunga Chiranjeevi, S/o Nallaiah, aged 57 years, Occ: Cultivation,
R/o Nageswarapuram, H/o Pulla, Bhimadole Mandal, West Godavari 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 affidavit filed therewith (copy enclosed) this CRIMINAL PETITION should not be admitted, within six (06) weeks.

IA NO: 2 OF 2023

Petition under Section 151 CPC is filed praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to Stay all further proceedings in SC.ST Sessions Case No.75 of 2018 on the file of Hon'ble Special Sessions Judge for Trial of cases under SCs and STs(POA) Act-cum VIII Additional District Judge, West Godavari, Eluru, including appearance of the petitioners, pending disposal of CRLP No. 8708 of 2023, on the file of the High Court.

The Court made the following ORDER:

"Learned Assistant Public Prosecutor takes notice on behalf of Respondent No.1 and seeks time to get instructions.

Issue notice to respondent No.2

Learned counsel for the petitioners 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 (03) weeks.

Heard the learned counsel for the petitioners.

A perusal of the material on record goes to show that basing on a private complaint filed by the defacto complainant, which was referred to police under Section 156 (3) Cr.P.C., police registered a case in Crime No.118 of 2007 of Bhimadole Police Station and after completion of investigation, filed a final report referring the case as false. On filing a protest petition, the learned Magistrate took cognizance of the case after examining two witnesses apart from defacto complainant.

It is the contention of learned counsel for the petitioners that cognizance order passed by the Magistrate is cryptic and there is no judicious application of mind. The matter requires examination.

In view of the said reason, there shall be interim stay of all further proceedings in S.C/ST.S.C.No. 75 of 2018 on the file of the Special Sessions Judge for Trial of Cases under SCs and STs (POA) Act-cum-VIII Additional District Judge, West Godavari, Eluru, for a period of eight (08) weeks.

List after six (06) weeks."

Sd/- K.J. RAJA BABU
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. Hon'ble Special Sessions Judge for Trial of cases under SCs and STs(POA) Act-cum VIII Additional District Judge, West Godavari, Eluru
2. Bunga Chiranjeevi, S/o Nallaiah, aged 57 years, Occ: Cultivation, R/oNageswarapuram, H/o Pulla, Bhimadole Mandal, West Godavari District.(BY RPAD along with a copy of petition and affidavit)
3. One CC to SRI. RAMESH KATIKINENI Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court of AP [OUT]
5. One spare copy

KJ

TRUE

Aug

01/01

15/01

20/01

24/01

28/01

31/01

03/02

06/02

09/02

12/02

15/02

18/02

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30/02

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06/03

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12/03

15/03

18/03

21/03

HIGH COURT

SRK,J

DATED:07/03/2024

LIST AFTER SIX (06) WEEKS

NOTICE BEFORE ADMISSION

CRLP.No.8708 of 2023

DIRECTION

