



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

[3368]

WEDNESDAY, THE TWENTY EIGHTH DAY OF JANUARY

TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE B V L N CHAKRAVARTHI

CRIMINAL REVISION CASE NO: 2109/2017

Between:

1. T. MUNI SHEKAR, CHITTOOR DT.,, S/O T. SUBRAMANYAM,
OCC: A.T.M. ENGINEERING MECHANIC, RESIDING AT D.NO.
19-9-36/D, LAKSHMI PURAM, TIRUCHANOUR ROAD,
TIRUPATI, CHITTOOR DISTRICT.

...PETITIONER

AND

1. THE STATE OF AP REP PP AND ANR, REP. BY ITS PUBLIC
PROSECUTOR, HIGH COURT AT HYDERABAD.
2. D REDEEMMA, W/O D. NAGI REDDY, D.NO. 19-9-29/13,
LAKSHMIPURAM ROAD, TIRUCHANOUR ROAD, TIRUPATI,
PRESENTLY RESIDING AT DASIREDDY PALI VILLAGE,
PALAMANDA POST, SADUM MANDAL, CHITTOOR DISTRICT.

...RESPONDENT(S):

Revision filed under Section 397/401 of CrPC praying that in the circumstances stated in the affidavit filed in support of the Criminal Revision Case, the High Court may be pleased to submit this Memorandum of Criminal Revision Case being aggrieved by the Judgment dated 23.06.2017 passed in Criminal Appeal No.47 of 2016 on the file of the Special Sessions Judge-Cum-IV Additional District and Sessions Judge, Tirupati, Chittoor District conforming the orders dt:13.01.2016 made in S.T.C.No.50 of 2015 on the file of VI Additional Junior Civil Judge-Cum-Special Magistrates Court, Tirupati, Chittoor District for the following among other.

IA NO: 1 OF 2017(CRLRCMP 3373 OF 2017)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to dispense with the production of certified copy of the order dt:13.01.2016 made in S.T.C.No.50 of 2015 on the file of VI Additional Junior Civil Judge-Cum-Special Magistrates Court, Tirupati, Chittoor District and to pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner:

1.O UDAYA KUMAR

Counsel for the Respondent(S):

- 1.PUBLIC PROSECUTOR (AP)
- 2.SURESH KUMAR REDDY KALAVA

The Court made the following:

THE HONOURABLE SRI JUSTICE B.V.L.N.CHAKRAVARTHI**CRIMINAL REVISION CASE No.2109 of 2017****ORDER:**

Heard Ms. Nandini, learned counsel representing Sri O. Udaya Kumar, learned counsel for the revision petitioner; the learned Additional Public Prosecutor representing the 1st respondent-State; and the learned counsel for the 2nd respondent.

2. The present Criminal Revision Case is filed challenging the order dated 23.06.2017 passed by the learned Special Sessions Judge–cum–IV Additional District and Sessions Judge, Tirupati, in Criminal Appeal No.47 of 2016, confirming the order dated 13.01.2016 passed by the learned VI Additional Junior Civil Judge–cum–Special Magistrate, Tirupati, Chittoor District, in STC No.50 of 2015.

3. It is an admitted fact that STC No.50 of 2015 was filed by the revision petitioner against the 2nd respondent for the offence punishable under Section 138 of the Negotiable Instruments Act, and the same was dismissed under Section 256 of the Code of Criminal Procedure by the learned Magistrate. Challenging the said order, the revision petitioner preferred Criminal Appeal No.47 of 2016 before the Sessions Court.

4. The learned Sessions Judge passed the present impugned order observing that, in the light of the judgment of the Hon'ble Apex

Court in the case of ***Peta Satya Govinda Ramachandra Rao @ Balaji v. Yarlagadda Vijaya Kumar and another***, the appeal was not maintainable before the Sessions Court, and that the appellant ought to have filed an appeal under Section 378(4) of the Code of Criminal Procedure before the Hon'ble High Court after obtaining special leave.

5. Admittedly, at the relevant point of time, as per the legal position then in vogue, the appeal was required to be filed before the High Court; however, the appellant approached the wrong forum. In such circumstances, the learned Sessions Court ought to have returned the appeal for presentation before the appropriate Court in accordance with law, instead of dismissing the appeal, after coming to the conclusion that it had no jurisdiction to entertain the same.

6. Therefore, the Sessions Court committed an error of law apparent on the face of the record, which is liable to be rectified by this Court in exercise of its revisional jurisdiction under Section 397 of the Code of Criminal Procedure.

7. Accordingly, in the light of the above facts and circumstances, the present Criminal Revision Case is allowed. The impugned order dated 23.06.2017 passed by the learned Special Sessions Judge—cum—IV Additional District and Sessions Judge, Tirupati, is hereby set aside, and the matter is remanded back to the Sessions Court to pass

appropriate orders afresh, after hearing both sides, in accordance with law.

8. The order shall be certified in accordance with Section 397(3) of the Code of Criminal Procedure, 1973.

As a sequel thereto, interlocutory applications, if any, pending in this Criminal Appeal shall stand closed.

28th January, 2026
cbn

JUSTICE B.V.L.N. CHAKRAVARTHI

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THE HONOURABLE SRI JUSTICE B.V.L.N. CHAKRAVARTHI

CRIMINAL REVISIONI CASE No: 2109 of 2017

28th January, 2026

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