



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

[3396]

THURSDAY, THE TWENTY SEVENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

**THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA
CRIMINAL PETITION NO: 12299/2025**

Between:

1. VALLURIPALLI DURGA BHAVAI, W/O (LATE) NAGESWARA RAO,
AGED ABOUT 56 YEARS, R/O.11-143/1, NEAR ICM SCHOOL,
VELURU ROAD, FLANUMAN JUNCTION, KRISHNA DISTRICT.

...PETITIONER/ACCUSED

AND

1. YANAMADALA GANDHI, S/O. NAGEGESWARA RAO, AGED
ABOUT 62 YEARS, R/O. PALLERLAMUDI VILLAGE, NUZVID
MANDAL, ELURU DISTRICT.

2. THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC
PROSECUTOR, THE FLIGH COURT OF ANDHRA PRADESH
NELAPADU, GUNTUR DISTRICT.

...RESPONDENT/COMPLAINANT(S):

Petition under Section 437/438/439/482 of Cr.P.C and 528 of BNSS
praying that in the circumstances stated in the Memorandum of Grounds of
Criminal Petition, the High Court pleased to SET-ASIDE the docket order
dated 12.11.2025 Principal District Judge, Krishna District, at
Machilipatnam and DIRECT the Hon'ble Court to receive, register and
proceed with adjudication of the CrI.A.CF.No.2239/2025, in the interest of
justice and pass

Counsel for the Petitioner/accused:

1. J.V.PHANIDUTH

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR

2.

The Court made the following:

ORDER:

This Criminal Petition under Section 528 of BNSS, 2023, has been filed, by the Petitioner for the following relief:

" ... to SET-ASIDE the docket order dated 12.11.2025 Principal District Judge, Krishna District, at Machilipatnam and DIRECT the Hon'ble Court to receive, register and proceed with adjudication of the CrIA.CF.No.2239/2025, in the interest of justice and pass ..."

Learned counsel for the Petitioner would submit that petitioner is arrayed as accused in CC No.90 of 2023 on the file of the Court of Special Magistrate, Nuzvid, for the offence punishable under Section 138 of the Negotiable Instruments Act and *vide* Calendar and Judgment dated 22.10.2025, Petitioner/Accused was accordingly convicted and sentenced to undergo simple imprisonment for a period of six months and to pay a fine of Rs.7,00,000/- in default, shall undergo simple imprisonment for two months. Out of the said fine amount, a sum of Rs.6,80,000/- is directed to be paid to the complainant towards compensation. Questioning the conviction and sentence, Petitioner herein preferred an appeal before the Learned Principal District Judge, Machilipatnam (in the Court of the XV Additional District Judge, Nuzvid), wherein, *vide* CF No.2239 of 2025 the Office took an objection with regard to certain corrections to be made in the Calendar and Judgment of the Trial Court, with regard to mentioning the provision of law for which accused was convicted. *Vide* Order dated 12.11.2025, the Learned District Judge returned the CF, on the ground that without following the due procedure contemplated under Section 403 of BNSS, 2023, for rectification of the clerical mistake before the Trial Court,

Petitioner again approached the Court for numbering the appeal. Questioning the same, the present Criminal Petition is filed for the prayed as stated above.

Heard Sri J.V.Phaniduth, learned counsel for the Petitioner and Ms.Priyanka Lakshmi, learned Assistant Public Prosecutor representing for respondent State. Perused the material on record.

Learned counsel for the Petitioner would submit that the appeal is the statutory right of the appellant and returning the appeal at threshold amounts to denial of the adjudication of the appeal and requested to pass necessary orders by disposing of this Criminal Petition.

Learned Assistant Public Prosecutor would submit that the Court may pass appropriate orders.

The grievance of the Petitioner is that Learned District Judge returned the criminal appeal to rectify the mistake crept in the operative portion of the calendar and judgment of the trial Court and after amendment of the same, and afterwards resubmit the same. At request of learned counsel for the Petitioner, the matter was called at bench and returned the same as per the order impugned herein. Seeking to set aside the order impugned, this Criminal Petition is filed.

Considering the submissions and a fair cursory look at the impugned order, the learned Magistrate did not mention the provision under BNSS, 2023 while recording conviction for the offence punishable under Section 138 of N.I.Act., which is a procedural irregularity and it makes no difference in the order of conviction and sentence passed by the Trial Court and no prejudice

would be caused to the Petitioner. Needless to say, the calendar and Judgment of the Trial Court is clear to the effect of conviction and sentence imposed on the Petitioner.

For the aforementioned, it is apposite to direct Learned Principal District Judge, Machilipatnam, to entertain the Criminal Appeal filed by the Petitioner herein and dispose of the same according to law.

Accordingly, this Criminal Petition is disposed of.

Pending applications, if any, shall stand closed.

DR.JUSTICE VENKATA JYOTHIRMAI PRATAPA

*Mjl/**

HON'BLE DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

Criminal Petition No. 12299 of 2025

27.11.2025

*Mjl /**