



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

[3560]

**TUESDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

CRIMINAL REVISION CASE NO: 76/2013

Between:

1. T.VINOD KUMAR, S/O. ANANDA RAO, OCC: PRIVATE EMPLOYEE,
R/O. D.NO. 10-144A, DURGANAGAR, NAIDUTHOTA,
R.R.VENKATAPURAM, VISKHAPATNAM, VISAKHAPATNAM
DISTRICT.

...PETITIONER

AND

1. THE STATE OF A P, REPT. BY THE PUBLIC PROSECUTOR, HIGH
COURT OF A.P., HYDERABAD.

2. SRI V RAJENDRA, S/O. LATE SEETHARAMA MURTHY, EMPLOYEE,
R/O. D.NO. 23-112, SRINIVASA NAGAR, VISAKHAPATNAM.

...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 call for the records made in CrI.A.No. 96 of 2011 dated 11-1-2013 on the file of the Metropolitan Sessions Judge-cum-1st Additional District and Sessions Judge, Visakhapatnam dismissing the appeal and confirming the sentence passed by the II Additional Chief Metropolitan Magistrate, Visakhapatnam in C.C.No. 570 of 2008 dated 20-7-2011, set-aside the same.

IA NO: 1 OF 2013 (CRLRCMP 124 OF 2013)

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

suspend the sentence made in Crl.A.No. 96 of 2011 dated 11-1-2013 on the file of the Metropolitan Sessions Judge-cum-1st Additional District and Sessions Judge, Visakhapatnam and release the petitioner on bail, pending disposal of the main Crl.Rc.

Counsel for the Petitioner:

1.GANDURI NAGESWARA RAO

Counsel for the Respondent(S):

1.PUBLIC PROSECUTOR (AP)

The Court made the following:

ORDER:

In pursuance of the order dated 09.09.2025, this Court directed the Secretary, District Legal Services Authority, Visakhapatnam District to serve notice upon both the parties and record their statements regarding the survival of the cause. In compliance of the said direction the Secretary, District Legal Services Authority-cum-Civil Judge (Senior Division), Visakhapatnam has served the notice and submitted a report as here under:

“It is further humbly submitted that the Secretary, District Legal Services Authority, Visakhapatnam, recorded the statement of Sri T. Vinod Kumar, vide 8th reference cited. It is stated that the complainant filed C.C. No.570/2008 on the file of the II Additional Chief Metropolitan Magistrate Court, Visakhapatnam, which was disposed of on 20.07.2011. The accused, Sri T. Vinod Kumar, was found guilty for the offence punishable under Section 138 of the Negotiable Instruments Act and was convicted and sentenced to undergo simple imprisonment for six months and to pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for two months. Aggrieved by the said judgment, the accused Sri T. Vinod Kumar, S/o Ananda Rao, preferred Criminal Appeal No. 96/2011 before the I Additional District and Sessions Judge, Visakhapatnam. The said appeal was dismissed, confirming the conviction and sentence passed in C.C. No.570/2008 on the file of the II Additional Chief Metropolitan Magistrate Court, Visakhapatnam. The accused namely T. Vinod Kumar stated that Respondent No.2, Sri V. Rajendra, is no more, and therefore the Petitioner/Accused is not willing to proceed further in Crl.R.C. No.76/2013 on the file of the Hon’ble High Court of Andhra Pradesh, Amaravathi. The relevant documents are enclosed herewith for kind consideration.

Hence, submitted this report.”

The said report is also appended, signed and verbatim statement of the petitioner. The statement of the petitioner discloses that as the complainant/respondent No.2 herein has expired. He (the petitioner) is not willing to proceed further in the instant Crl.R.C. The statement as well as the report filed by the learned the Secretary, District Legal Services Authority, Visakhapatnam District though appears to be surprising, but this Court has to accept the same, as the Secretary, District Legal Services Authority, Visakhapatnam District has imposed the duty to serve notice upon the parties and record the statement.

Considering the report and the statement of the petitioner, the instant Criminal Revision Case is disposed of as dismissed for want of prosecution.

Consequent there to, an order of the conviction passed by the learned trial Court and confirmed by the learned Appellate Court is here by **acceded**.

The petitioner is directed to appear before the learned Trial Court within two weeks from the date of receipt of this order to serve out the remaining portion of the sentence otherwise the Trial Court is directed to issue Non Bailable Warrant against the present petitioner to comply the order. There shall be no order as to costs.

As a sequel, Interlocutory Applications pending, if any, in this petition, shall stand closed.

JUSTICE SUBHENDU SAMANTA