

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No(s).1376/2011

KOLLURI SUBBA RAO @ SUBBAIAH & ANR.

Appellant(s)

VERSUS

THE STATE OF ANDHRA PRADESH

Respondent(s)

O R D E R

This criminal appeal arises out of Special Leave Petition (Crl) No.4963 of 2010 (hereafter 'SLP'), which was at the instance of three petitioners, viz.:

1. Mandava Venkateswarlu - Petitioner No.1;
 2. Kolluri Subba Rao @ Subbaiah - Petitioner No.2;
- and
3. Mandava Subba Rao - Petitioner no.3

The SLP was considered for the first time on 14.05.2010 by a coordinate Bench. Notice was issued on the SLP confined only to the petitioners 2 and 3. The SLP, as far as the petitioner no.1 is concerned, stood dismissed.

A Bench of three Hon'ble Judges of this Court by an order dated 11.07.2011 granted leave and expedited the hearing of the criminal appeal.

During the pendency of this criminal appeal, appellants 2 and 3 have been granted special remission on the occasion of celebration of Republic Day in the year 2016.

Release certificates issued by the Superintendent of Jails, Prisoners Agricultural Colony, Annanthapuramu, dated 06.06.2023 tendered by learned counsel for the State of Andhra Pradesh shall be retained with the records.

None has appeared for the appellants 2 and 3.

We presume that since the appellants 2 and 3 have been released from custody as far back as on 26.01.2016, they are no longer interested to prosecute the criminal appeal.

In such view of the matter, the criminal appeal stands dismissed for non-prosecution.

It is, however, made clear that if the appellants 2 and 3 wish to have the conviction returned by the Sessions Court (since confirmed by the High Court) examined by this Court, they shall be at liberty to apply for recall of this order and for revival this criminal appeal.

.....J.
[DIPANKAR DATTA]

.....J.
[AUGUSTINE GEORGE MASIH]

New Delhi;
May 09, 2024.

ITEM NO.102

COURT NO.16

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Criminal Appeal No(s). 1376/2011

KOLLURI SUBBA RAO @ SUBBAIAH & ANR.

Appellant(s)

VERSUS

THE STATE OF ANDHRA PRADESH

Respondent(s)

Date : 09-05-2024 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Appellant(s) Mr. K. Shivraj Choudhuri, AOR
Mr. G.V.R Choudary, Adv.
Mr. A. Chandershekar, Adv.
Ms. Kirti Goyal, Adv.

For Respondent(s) Mr. Mahfooz Ahsan Nazki, AOR
Mr. Polanki Gowtham, Adv.
Mr. K. Girish Chowdary, Adv.
Mr. T. Vijaya Bhaskar Reddy, Adv.
Ms. Rajeswari Mukherjee, Adv.
Ms. Archita Nigam, Adv.
Mr. Meeran Maqbool, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The criminal appeal stands dismissed for non-prosecution, in
terms of the signed order.

(JATINDER KAUR)
P.S. to REGISTRAR

(SUDHIR KUMAR SHARMA)
COURT MASTER (NSH)

[Signed order is placed on the file]