

 [3327]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

FRIDAY, THE TWENTY FOURTH DAY OF MARCH
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY
CRIMINAL PETITION NO: 2191 OF 2023

Between:

Kota Ravi, S/o Apparao, Christian madiga, aged about 30 years, R/o Pitlavarigudem, H/o Narasimharaopalem Village, Chatrai Mandal, Krishna District
Petitioner/Accused No.4

AND

1. The State of Andhra Pradesh, Rep by its Public Prosecutor, High Court of Andhra Pradesh at Amaravathi.
2. Chintala Chandu @ Chandra Sekhara Reddy, S/o Satyanarayana Reddy, Hindu, Aged 30 years, R/o Narasimharaopalem Village, Chatrai Mandal, Krishna District.

Respondents/Respondents

Petition under Section 482 of Cr.P.C, praying that in the circumstances stated in the memorandum of grounds filed in support of the Criminal Petition, the High Court may be pleased to call for the records in relation to P.R.C. No.28/2017 on the file of the Court of the Judicial First Class Magistrate, Tiruvur, Krishna District and Quash the Criminal Proceedings.

IA NO: 2 OF 2023

Petition under Section 482 of Cr.P.C, praying that in the circumstances stated in the memorandum of grounds filed in support of the petition, the High Court may be pleased to grant stay of all further Proceedings including the personal appearance of the Petitioner/Accused No. 4 in P.R.C.No.28/2017 on the file of the Court of the Judicial First Class Magistrate, Tiruvur, Krishna District, Pending disposal of CRLP 2191 of 2023, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Matada Yuvasiva Swamy Advocate for the Petitioner, Assistant Public Prosecutor for the Respondent No.1, the Court made the following

ORDER

"Learned Assistant Public Prosecutor takes notice on behalf of 1st Respondent and seeks time to get instructions.

Learned counsel for the petitioner is permitted to take out personal notice to 2nd Respondent by Registered Post with Acknowledgment Due and file proof of service within a period of three (3) weeks.

A perusal of entire material on record goes to show that, there is a dispute with regard to theft of a starter board between the petitioner and the

deceased as to who owns the same. When the complaint was lodged with respect to the same, it was withdrawn on a plea that both the parties would sort out their grievances without there being any complaint registered. Subsequently, at belated stage, son of the deceased filed complaint on 27.04.2014 stating that his father has committed suicide at the instigation of petitioner herein and other accused. In the present case, in order to attract the offence under Section 306 IPC, all the essential ingredients of Section 107 IPC has to be satisfied and further CrI.P.No.3859 of 2022 filed on behalf of A1 and A2 has been allowed quashing proceedings against them in P.R.C.No.28 of 2017 on the file of Judicial Magistrate of First Class, Tiruvuru. Now, the petitioner herein who is A4 in the above case too stands on the same footing as of the other accused.

In the circumstances stated above, there shall be an interim stay of all further proceedings in P.R.C.No.28 of 2017 on the file of Judicial Magistrate of First Class, Tiruvuru, for a period of eight (8) weeks.

Post after six (6) weeks. ”

//TRUE COPY//

Sd/- K. KASIRAO ACHARI
ASSISTANT REGISTRAR
F SECTION OFFICER

To,

1. Judicial Magistrate of First Class, Tiruvuru, Krishna District
2. Chintala Chandu @ Chandra Sekhara Reddy, S/o Satyanarayana Reddy, Hindu, Aged 30 years, R/o Narasimhraopalem Village, Chatrai Mandal, Krishna District. (by RPAD)
3. One CC to Sri Matada Yuvasiva Swamy Advocate [OPUC]
4. Two CC to Public Prosecutor, High Court of AP [OUT]
5. One spare copy

RVK



HIGH COURT

SRKJ

DATED:24/03/2023

POST AFTER SIX (6) WEEKS

ORDER

CRLP.No.2191 of 2023

INTERIM STAY

