

[3327]

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
THURSDAY, THE THIRD DAY OF AUGUST
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY
CRIMINAL PETITION NO: 5588 OF 2023



Between:

Arakatavemula Hari Narayana, S/o Narayana, Hiundu, Aged about 55 years, Occ
business, R/o.D.No. 5/1773, Srcc ram nagar proddatur, Y.S.R. Kadapa Dist.

Petitioner/Accused

AND

1. The State of Andhra Pradesh, through S.H.O., II Town police station,
Proddatur, Kadapa rep. by its Public Prosecutor, High Court of Andhra
Pradesh at Amaravati.

Respondent/State

2. L. Venkateswara Reddy, S/o Not known, Joint sub register, sub register office,
Korrapadu road, Proddatur, Y.S.R. Kadapa Dist.

Respondent/Complainant

WHEREAS the Petitioner/Accused above named through his Advocate Sri G L NAGESWAR RAO presented this 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 records in connection with the case In CC.No.257 of 2019 on the file of the Honble Addl Judicial Magistrate of I class, Proddatur, Y.S.R. Kadapa, which was registered for the alleged offence under sections 420,464,465,467,468,471, 472, of I.P.C and to quash the same against the petitioner herein as it is illegal, arbitrary, unjust and abuse of process of law and the allegations do not attract the ingredients of the alleged offences;

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Sri G L NAGESWAR RAO Advocate for the Petitioner and PUBLIC PROSECUTOR for the Respondent No.1, directed issue of notice to the Respondent No.2 herein to show cause as to why this CRIMINAL PETITION should not be admitted.

You viz:

L. Venkateswara Reddy, S/o Not known, Joint sub register, sub register office,
Korrapadu road, Proddatur, Y.S.R. Kadapa Dist.

are be and hereby directed to show cause either appearing in person or through an Advocate as to why in the circumstances set out in the petition and the memorandum of grounds filed therewith (copy enclosed) this CRIMINAL PETITION should not be admitted within six weeks.

IA NO: 2 OF 2023:

Petition under Section 482 of Cr.P.C is filed 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 in connection with the case in CC.No.257 of 2019 on the file of the Honble Addl. Judicial Magistrate of I class, Proddatur, Y.S.R. Kadapa, which was registered for the alleged offence under sections 420,464,465,467,468,471,472, of I.P.C in the interest of justice, pending disposal of CRLP No. 5588 of 2023, on the file of the High Court.

The Court made the following Order:

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

Issue notice to Respondent No.2.

Learned counsel for the petitioner is permitted to take out personal notice to Respondent No.2 by Registered Post with Acknowledgment Due and file proof of service within a period of three (3) weeks.

The accusation as against the petitioner herein is that he created a document by manipulating and forging and submitted the same along with proposals for affiliation of his College with the University for the Academic Year 2014-15. In connection with that, a two member committee was constituted by the Vice Chancellor of the University to enquire into the allegations against the college. On 26.12.2017, the committee met in the University Administrative Building and the College representatives also attended and represented their cases and defence. On that, the committee imposed a fine of Rs.8.00 lakhs on the petitioner for furnishing false and fake information with a fabricated document for permanent affiliation of his college with the university.

When once fine has been imposed to that extent, in pursuance to that a case has been registered as against the petitioner herein. Even accepting the entire accusation to be true, it does not appear as to who is the person who is at loss by virtue of the document which was brought into existence by the petitioner herein. Absolutely there is no accusation as against the petitioner that he caused loss to the University. The matter requires examination.

In view of the above facts and circumstances, there shall be stay of all further proceedings in C.C.No.257 of 2019 on the file of the Additional Judicial Magistrate of First Class, Proddatur, for a period of eight (8) weeks.

Post after six (6) weeks."

//TRUE COPY//

Sd/- SK. MD. RAFI
ASSISTANT REGISTRAR


SECTION OFFICER

To,

1. The Additional Judicial Magistrate of First Class, Proddatur.
2. The Station House Officer, II Town police station, Proddatur, Kadapa
3. L. Venkateswara Reddy, S/o Not known, Joint sub register, sub register office, Korrapadu road, Proddatur, Y.S.R. Kadapa Dist. (by RPAD- along with a copy of petition and memorandum of grounds)
4. One CC to SRI. G L NAGESWAR RAO Advocate [OPUC]
5. Two CCs to PUBLIC PROSECUTOR, High Court of Andhra Pradesh. [OUT]
6. One spare copy

ER

HIGH COURT

SRKJ

DATED:03/08/2023

POST AFTER SIX (6) WEEKS

NOTICE BEFORE ADMISSION TO RESPONDENT NO.2

CRLP.No.5588 of 2023

STAY

