APHC010367682026

**IN THE HIGH COURT OF ANDHRA PRADESH**
**AT AMARAVATI [3504]**
**(Special Original Jurisdiction)**

TUESDAY, THE 28th DAY OF JULY 2026

**PRESENT**

**THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM**

**CRIMINAL PETITION NO: 5926/2026**

**Between:**

1. ALLADI YAKUB ALIAS CHINTU, S/O.ALLADI MOSHENH.NO 1-21,CHARCHI STREET, VENKATARAJUPURAM V PEPPARA M WEST GODAVARI DIST. 534 197.

**...PETITIONER/ACCUSED**

**AND**

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC PROSECUTOR, AP HIGH COURT STATION HOUSE OFFICER, UNDI PS., W G DIST.,
2. VICTIM GIRL, D/O SRINIVASA RAOYANDAGANI VILLAHE UNDI MWEST GODAVAI DISTRCT 534 186.

**...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 call for the records pertaining docket orders in CrI M.P No 16 of 2023 in SC No.28 of 2023 dt.27- 02-2026 on the file of III Additional District & Sessions Judge at Bhimavaram pertaining and set aside the above orders, permit the petitioner to take hand over summons, serve on the Passport Officer, Vishakapatnam and pass

**IA NO: 1 OF 2026**

Petition under Section 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 may be pleased to Stay all further proceedings pertaining to SC No.28 of 2023 dt.27-02-2026, on the file of III Additional District & Sessions Judge at Bhimavaram pending disposal of main Crip. No. and pass

**Counsel for the Petitioner/accused:**

1. K L N SWAMY

**Counsel for the Respondent/complainant(S):**

1. PUBLIC PROSECUTOR

**THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM**

**CRIMINAL PETITION NO: 5926 of 2026**

**The Court made the following Order:**

Instant Criminal Petition, under Section 528 of the Bharatiya Nagarik Suraksha Sanhitha, 2023, has been filed on behalf of the petitioner herein, seeking to set aside the Order dated 27.02.2026 in Crl.M.P.No.16 of 2026 in SC No.28 of 2023 on the file of the learned Special Court for Speedy Trial of Offences under the Protection of Children from Sexual Offences Act, 2012, Bhimavaram.

2. Sri K.L.N.Swamy, learned counsel for the petitioner asserts that the learned Special Court by Order dated 10.02.2026 directing the petitioner to take the handover summons and served on Passport Officer, Visakhapatnam and posted the matter to 27.02.2026, for return of served copy. Subsequently, on 27.02.2026,as the petitioner hasnot paid the process fee and has not taken process to serve on the witness, the Special Court closed the Crl.M.P.No.16 of 2026 in Crime No.28 of 2023. As such, the petitioner is facing multifarious problems which is detrimental to protection of fundamental and statutory rights, including the right to fair investigation and fair trial.

3. He further elaborates that the concerned Special Court has not afforded a reasonable opportunity to the petitioner to pay the requisite process fee. He also asserts that the petitioner is an agriculturist and due

to a communication gap, the process fee could not be paid in time and the same is not intentional one.

4. Learned counsel for the petitioner submits that due to a communication gap, the petitioner could not pay the process fee, within the stipulated period and the same is notan intentional one. As such, he prays before this Court to grant a reasonable opportunity to the petitioner to pay the process fee.

5. On the other hand, learned Assistant Public Prosecutor submits that the petitioner is accused in POCSO Act, as such, he does not deserve any lenient view.

6. It is apt to note that on 17.07.2026, this Court specifically directed learned Assistant Public Prosecutor to serve notice on the 2nd respondent, who is a victim. In pursuance of the same, learned Assistant Public Prosecutor submits that he served notice on the 2nd respondent. Despite the same, none represented respondent No.2.

7. Indisputably, learned Special Court vide Docket Order dated 10.02.2026 allowed the petitioner directing the petitioner to take the handover summons and served on Passport Officer, Visakhapatnam. In that process, learned counsel for the petitioner before the trial Court ought to have paid the process fee, for effective service. Unfortunately, the same was not occurred.

8. Having regard to facts and circumstances of the case and also considering that for the fault of Counsel, the rights of the petitioner cannot be prejudiced,added to that *procedural laws are intended to do substantial justice between the parties*, this Criminal Petition is disposed of with the following terms:

a) Petitioner is hereby directed to pay requisite process fee and file a memo to that effect before the learned Special Court, within a period of one (01) week from today;

b) Petitioner is also directed to pay Rs.5,000/- to the credit of S.C.No.28 of 2023 on the file of the learned Special Court for Speedy Trial of Offences under the Protection of Children from Sexual Offences Act, 2012, Bhimavaram;

c) On such deposit, the learned Special Court for Speedy Trial of Offences under the Protection of Children from Sexual Offences Act, 2012, Bhimavaram is directed to disburse the said amount to the victim to meet ends of justice.

Interlocutory applications, if any, pending shall stand closed.

**JUSTICE MAHESWARA RAO KUNCHEAM**

Date: 28.07.2026

**Note**: Issue C.C. by 29.07.2026
B/o.
KRK

**THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM**

**CRIMINAL PETITION NO: 5926 of 2026**

Date: 28.07.2026

**Note**: Issue C.C. by 29.07.2026
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