APHC010643262022

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3396]
(Special Original Jurisdiction)

MONDAY, THE TWENTY FOURTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE
PRESENT
THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION No. 9444 of 2022

Between:
Koka Bhavannarayana **...PETITIONER/ACCUSED**

AND

The State Of Andhra Pradesh and Others **...RESPONDENT/COMPLAINANT(S)**

Counsel for the Petitioner/accused:
1. RAMESH BABU NELATURI

Counsel for the Respondent/complainant(S):
1. PUBLIC PROSECUTOR (AP)

The Court made the following:

ORDER:

This Criminal Petition has been filed under Section 482 of Code of Criminal Procedure, 1973[1] by the Petitioner/Accused seeking quashment of the Proceedings in CC No.666 of 2015 on the file of the Court of Additional Judicial First Class Magistrate, Kandukur, Prakasam District, for the offences punishable under Section 409 IPC.

2. Heard Sri N.Ramesh Babu, learned counsel for the Petitioner and Ms.K.Priyanka Lakshmi, learned Assistant Public Prosecutor appearing for respondent No.1/State. Perused the material on record.

3. As per the Complaint allegations, Petitioner being the Assistant Engineer in A.P.Housing Corporation, Gudluru Mandal with a criminal intention had made irregular payments to the ineligible persons and not sanctioned

[1] in short 'the Code'

houses/beneficiaries to the 8 villages in Indiramma Housing Programme under Phase-I and Phase-II and violated the guidelines issued by the Government in G.O.Ms.No.78, dated 06.12.2005. Basing on the complaint given by respondent No.2, Police registered a case in Crime No.87 of 2009 of Gudluru Police Station, Prakasam District against the Petitioner/Accused, who is a public servant for commission of criminal breach of trust which comes under Section 409 IPC. After due investigation, Police filed Charge Sheet against the Petitioner/Accused *vide* CC No.666 of 2015. Learned Magistrate has taken cognizance of the offence under Section 409 IPC. Seeking quashment of the said Proceedings, the Petitioner filed the present Criminal Petition.

4. Learned counsel for the Petitioner would submit that the Criminal Petition may be disposed of without causing any prejudice to the rights and contentions of the Petitioner.

5. Considering the submissions, the Criminal Petition is disposed of. However, Petitioner/Accused is at liberty to raise his contentions before the Trial Court in his defence and the learned Trial Judge may appreciate and take an appropriate decision according to law.

6. It is represented before this Court that the original FIR in this case is missing and the Presiding Officer of the concerned Court sought permission of the concerned District Court for reconstruction of FIR with certified copy. In this regard, the Presiding Officer of the concerned Court as well as the learned Principal District Judge, Prakasam District, are requested to complete the said process as expeditiously as possible.

7. The learned Trial Judge is requested to dispose of the case as expeditiously as possible without granting any adjournments in a casual way mere asking and report the progress of the case to the Learned Registrar (Judicial), High Court of Andhra Pradesh, Amaravati, by 04.04.2025.

8. Learned Registrar (Judicial) is directed to mark a copy of this Order to the Learned Principal District Judge, Prakasam District and Learned Additional Judicial First Class Magistrate, Kandukur, Prakasam District.

As a sequel thereto, miscellaneous petitions, pending if any, shall stand closed.

DR.JUSTICE VENKATA JYOTHIRMAI PRATAPA

*Mjl/**

HON'BLE DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION No. 9444 of 2022

24.02.2025

*Mjl/**