APHC010043752019

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3521]
(Special Original Jurisdiction)

FRIDAY, THE 6th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL REVISION CASE NO: 174/2019

Between:

1. G.SRIRAMULU, R/O. SUNKARA PADDAIAH STREET, NEAR MANNA CHURCH, BHIMAVARAM, W.G.DIST
2. GUNUPUTI SRINIVASA RAO, R/O. SUNKARA PADDAIAH STREET, NEAR MANNA CHURCH, BHIMAVARAM, W.G.DIST

...PETITIONER(S)

AND

1. STATE OF AP, REP. BY ITS PUBLIC PROSECUTOR, HIGH COURT OF AP, AMARAVATHI
2. GUNUPATI SATYANARAYANA, H.NO. 17-3-28, GANNABATHULAVARIS TREET, BHIMAVARMA TOWN, W.G.DIST

...RESPONDENT(S):

Counsel for the Petitioner(S):

TURAGA SAI SURYA

Counsel for the Respondent(S):

1. PUBLIC PROSECUTOR (AP)
2. SRINIVASA RAO PAPPU

The Court made the following:

ORDER:

The Criminal Revision Case has been filed under Sections 397 and 401

of the Code of Criminal Procedure, 1973 (for brevity, 'the Cr.P.C.'), challenging the judgment dated 16.02.2019 passed in Crl.A.No.17 of 2018 on the file of the Court of learned III Additional Sessions Judge at Bhimavaram.

2. The petitioner No.1/accused No.1 died on 28.08.2020. To that effect a death certificate is filed. Thus, the present Revision Case against petitioner No.1 is dismissed as abated.

3. Learned counsel for the petitioner No.2 has filed a memo along with necessary documents stating that petitioner No.2 has been undergoing judicial custody in regard to a case registered in Cr.No.231 of 2025, dated 10.11.2025 of Bhimavaram I Town Police Station for the offence under Section 103(1) BNS equivalent to Section 302 of the Indian Penal Code 1860 (for brevity, 'the IPC').

4. The petitioner No.2 has been in judicial custody since 10.11.2025. In the present case on hand, the petitioners were convicted and sentenced to undergo simple imprisonment for a period of three (3) months and fine of Rs.1,000/- for the offence punishable under Section 324 r/w.34 of the IPC and also convicted and sentenced the petitioner No.2/accused No.2 to undergo simple imprisonment for a period of three (3) months and fine of Rs.1,000/- for the offence punishable under Section 452 of the IPC. Both the sentences against accused No.2 shall run concurrently. The fine amounts have been paid by the petitioners while they prefer the present revision case.

5. Learned Trial Judge i.e., II Additional Judicial Magistrate of First Class at Bhimavaram, acquitted the petitioners *vide* judgment dated 08.12.2017 passed in C.C.No.44 of 2024. Aggrieved by the same, the respondent No.2 herein preferred an appeal before the Court of learned III Additional Sessions Judge at Bhimavaram in Crl.A.No.17 of 2018 and, *vide* judgment dated 16.02.2019, convicted the petitioners for the charges mentioned supra.

6. Section 428 of the Cr.P.C. provides that the period of detention undergone by the accused to be set off against the sentence of imprisonment. As mentioned supra, in Cr.No.231 of 2025, the petitioner No.2 has been in judicial custody for more than one year.

7. In view of Section 428 of the Cr.P.C., as the petitioner Nos.2 has already undergone the sentence of imprisonment imposed by the learned Appellate Court in another case as per Section 428 of the Cr.P.C., he (petitioner No.2/Accused No.2) shall be released from the jail, if he is not required in any other cases.

8. Thus, the present Criminal Revision Case is disposed of. There shall be no order as to costs. There shall be no order as to costs

As a sequel, interlocutory applications, if any pending, shall stand closed.

_____

Dr. Y. LAKSHMANA RAO, J

Dt: 06.11.2026
KRS

95

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL REVISION CASE NO: 174/2019

(ORDER)

Date: 06.11.2026

KRS