APHC010197972019

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

THURSDAY, THE 5th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL REVISION CASE NO: 741/2019

Between:

1. K.SATYANARAYANA MURTHY, S/O. LATE KRISHNA RAO, OCC RETIRED BY D.E.O., PRODDATUR, DWARKA NAGAR, KADAPA CITY, KADAPA DISTRICT.

...PETITIONER

AND

1. STATE OF ANDHRA PRADESH, REP. BY PUBLIC PROSECUTOR HIGH COURT OF ANDHRA PRADESH, AMARAVATHI.

...RESPONDENT

Counsel for the Petitioner:

1. YALLABANDI RAMATIRTHA

Counsel for the Respondent:

1. PUBLIC PROSECUTOR (AP)

The Court made the following:
ORDER:

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 03.08.2018 passed in C.C. No.195 of 2016 on the file of

the learned II Additional Judicial Magistrate of First Class, Kadapa, as confirmed by the judgment dated 28.03.2019 passed in Crl.A. No.194 of 2018 on the file of the learned Principal Sessions Judge, Kadapa, and seeks a direction for the return of M.O.2 cash to the Petitioner, who is arrayed as Accused No.1.

2. Heard the learned counsel for the Petitioner and the learned Assistant Public Prosecutor. Perused the record.

3. As seen from the record, the learned Appellate Court, in Crl.A.No.194 of 2018, *vide* judgment dated 28.03.2019, observed that an amount of Rs.9,23,248/- belonging to Accused No.1, together with accrued interest up to 01.02.2019, was available with the learned Trial Court. It was further observed that an amount of Rs.19,74,330/-, representing the principal amount and accrued interest up to 01.02.2019 belonging to Accused No.2, was available with the learned Trial Court. Similarly, an amount of Rs.11,50,564/- belonging to Accused No.3 and an amount of Rs.27,98,148/- belonging to Accused No.4, inclusive of accrued interest up to 01.02.2019, were also available with the learned Trial Court.

4. The learned Appellate Court further observed that the Petitioner/Accused No.1 had preferred an appeal; however, he did not press the same. The learned Appellate Court directed release of the amounts standing to the credit of Accused Nos.2 and 4 upon proper identification and acknowledgment.

5. However, solely on the ground that the Petitioner/Accused No.1 did not press the appeal preferred by him, the learned Appellate Court did not direct release of the amount lying to his credit. The learned counsel for the Petitioner submits that, owing to ill health, the Petitioner, a retired Deputy Educational Officer, was unable to effectively pursue the appeal. Merely because the appeal was not pressed, the Petitioner cannot be deprived of the amount admittedly belonging to him, particularly when similar directions for release of amounts were issued in favour of Accused Nos.2 and 4. Therefore, this Court is of the view that the judgment of the learned Appellate Court requires modification to the extent of directing release of the amount standing to the credit of the Petitioner/Accused No.1.

6. Accordingly, the Criminal Revision Case is disposed of directing the learned Trial Court to return the amount of Rs.9,23,248/- along with all accrued interest thereon to the Petitioner/Accused No.1, upon proper identification and acknowledgment, in accordance with law and the rules in force. 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: 05.11.2026
PRA

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THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

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Date: 05.11.2026
PRA