APHC010237382015

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3548]
(Special Original Jurisdiction)

WEDNESDAY, THE 18th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

CRIMINAL REVISION CASE NO: 274/2015

Between:

1. YANDRAPATI KARUNAMMA GUNTUR DIST. & 27 OTHERS, -

...PETITIONER

AND

1. STATE OF A P REP BY P P HYD ANOTHER, -
2. THE TAHSILDAR AND MANDAL EXECUTIVE MAGISTRATE, REPALLE, GUNTUR DISTRICT.

...RESPONDENT(S):

Revision filed under Section 397/401 of CRPC praying that in the circumstances stated in the Memorandum of grounds filed in support of the Criminal Revision Case, the High Court may be pleased to aggrieved by the orders in M.C. No. 69/2014-B, dt. 10-09-2014 passed by the Tahsildar and Mandal Executive Magistrate, Repalle, Guntur Dsitrict the present Criminal Revision is filed

IA NO: 1 OF 2015(CRLRCMP 435 OF 2015

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 of proceedings in M.C. No. 69/2014-B, dt. 10.09.2014 passed by the Tahsildar and Mandal Executive Magistrate, Repalle, Guntur District pending disposal of the Crl.R.C. in the interest of justice

Counsel for the Petitioner:

1. P NAGENDRA REDDY

Counsel for the Respondent(S):

1. RIZWAN ALI SHAIK
2. PUBLIC PROSECUTOR (AP)

The Court made the following:

ORDER:

Heard,

Mr.Vikramaditya, learned counsel representing Mr.P.Nagendra Reddy, learned counsel for the revision petitioner, and Ms.Akhila Naidu, learned Assistant Public Prosecutor appearing for the State.

2. The impugned order in this Criminal Revision Case is the order promulgated under Section 144 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), prohibiting the assembly of four or more persons within a radius of 100 metres in and around Volivolakonda Church, 5th ward, Repalle. The order was passed on 10.09.2014 in M.C.No.69/2014-B.

3. Without going into the validity of the order promulgated under Section 144 of Cr.P.C., the question that emanates from the said Section is as to whether the order remains in effect/force and, if so, to what extent. In order to enlighten the said aspect, it is appropriate to refer to and extract Section 144 of the Cr.P.C., which reads as under:

> ***"144. Power to issue order in urgent cases of nuisance or apprehended danger.***
>
> *(1) In cases where, in the opinion of a District Magistrate, a Sub-Divisional Magistrate or any other Executive Magistrate specially empowered by the State Government in this behalf, there is sufficient ground for proceeding under this section and immediate prevention or speedy remedy is desirable, such Magistrate may, by a written order stating the material facts of the case and served in the manner provided by section 134, direct any person to abstain from a certain act or to take certain order with respect to certain property in his possession or under his management, if such Magistrate considers that such direction is likely to prevent, or tends to prevent, obstruction, annoyance or injury to any person lawfully employed, or danger to human life, health or safety, or a disturbance of the public tranquillity, or a riot, or an affray.*

(2) An order under this Section may, in cases of emergency or in cases where the circumstances do not admit of the serving in due time of a notice upon the person against whom the order is directed, be passed ex parte.

(3) An order under this Section may be directed to a particular individual or to persons residing in a particular place or area, or to the public generally when frequenting or visiting a particular place or area.

(4) No order under this Section shall remain in force for more than two months from the making thereof:

Provided that, if the State Government considers it necessary so to do for preventing danger to human life, health or safety or for preventing a riot or any affray, it may, by notification, direct that an order made by a Magistrate under this section shall remain in force for such further period not exceeding six months from the date on which the order made by the Magistrate would have, but for such order, expired, as it may specify in the said notification.

(5) Any Magistrate may, either on his own motion or on the application of any person aggrieved, rescind or alter any order made under this section by himself or any Magistrate subordinate to him or by his predecessor-in-office.

(6) The State Government may, either on its own motion or on the application of any person aggrieved, rescind or alter any order made by it under the proviso to sub-section (4).

(7) Where an application under sub-section (5) or sub-section (6) is received, the Magistrate, or the State Government, as the case may be, shall afford to the applicant an early opportunity of appearing before him or it, either in person or by pleader and showing cause against the order; and if the Magistrate or the State Government, as the case may be, rejects the application wholly or in part, he or it shall record in writing the reasons for so doing.

*[**144-A. Power to prohibit carrying arms in possession or mass drill or mass training with arms**]*

(1) The District Magistrate may, whenever he considers it necessary so to do for the preservation of public peace or public safety or for the maintenance of public order, by public notice or by order, prohibit in any area within the local limits of his jurisdiction, the carrying of arms in any possession or the organising or holding of, or taking part in, any mass drill or mass training with arms in any public place.

(2) A public notice issued or an order made under this Section may the directed to a particular person or to persons belonging to any community, party or organisation.

(3) No public notice issued or an order made under this Section shall remain in force for more than three months from the date on which it is issued or made.

(4) The State Government may, if it considers necessary so to do for the preservation of public peace or public safety or for the maintenance of public order, by notification, direct that a public notice issued or order made by the District Magistrate under this Section shall remain in force for such further period not exceeding six months from the date on which such public notice or order was issued or made by the District Magistrate would have, but for such directions, expired, as it may specify in the said notification.

(5) The State Government may, subject to such control and directions as it may deem fit to impose, by general or special order, delicate its powers under sub-section (4) to the District Magistrate.

Explanation - The word "arms" shall have the meaning assigned to it in Section 153 - AA or the Indian Penal Code, 1860].

D. Disputes as to immovable property."

4. As per the ingredients of Section 144 of the Cr.P.C., the order remains in force only for a period of two months and, thereafter, subject to extension of the said order by the competent authority, for a further period of six months.

5. In the present case, there is no whisper regarding the extension of the said order promulgated under Section 144 of the Cr.P.C., either by the learned Counsel for the revision petitioner or by the learned Assistant Public Prosecutor appearing for the State.

6. In view of the law postulated under the Code of Criminal Procedure, 1973, which is mandatory in nature, the Criminal Revision Case stands infructuous.

7. Resultantly, the Criminal Revision Case No.274 of 2015 is closed, as no further orders are necessary. There shall be no order as to costs.

In sequel, Interlocutory Applications pending, if any, shall stand closed.

TUHIN KUMAR GEDELA, J

Date : 18-11-2026
BMS