APHC010301832014

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3605]**

WEDNESDAY, THE 18th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

CRIMINAL APPEAL Nos: 514 and 515 of 2014

CRIMINAL APPEAL No: 514/2014

Between:

1. NAGAMALLI YELLAJI, S/o. DURGA RAO, R/o. RAILWAY NEW COLONY, VISAKHAPATNAM, VISAKHAPATNAM DISTRICT.

...APPELLANT

AND

1. STATE OF AP, REPT. BY THE PUBLIC PROSECUTOR, HIGH COURT OF AP., HYDERABAD, THROUGH INSPECTOR OF POLICE, HARBOUR POLICE STATION, VISAKHAPATNAM DISTRICT.

...RESPONDENT

Counsel for the Appellant:

1. G VENKATESWARLU

Counsel for the Respondent:

1. PUBLIC PROSECUTOR (AP)

CRIMINAL APPEAL NO: 515/2014

Between:

1. SHAIK KUMAR, S/o. LATE BASHA, R/o. NEAR ANJANEYA SWAMY TEMPLE, GAJUWAKA BUS DEPOT, OLD GAJUWAKA, VISAKHAPATNAM CITY.

2. GAVINI VENKATESH, S/o. BALA VARDHANA RAO, R/o. OPPOSITE TO CANARA BANK, POUNDRY BACKSIDE, AUTO NAGAR, GAJUWAKA, VISAKHAPATNAM CITY.

3. SIKKIREDDY DURGA PRASAD @ TAGORE, S/o. SUBHASH, R/o. NEAR PANTHULUGARIMEDA, DHASAMKONDA COLONY, GAJUWAKA, VISAKHAPATNAM CITY.

...APPELLANT(S)

AND

1. STATE OF AP, REPT. BY THE PUBLIC PROSECUTOR, HIGH COURT OF A.P., HYDERABAD, THROUGH INSPECTOR OF POLICE, HARBOUR POLICE STATION, VISAKHAPATNAM CITY.

...RESPONDENT

Counsel for the Appellant(S):

1. G VENKATESWARLU

Counsel for the Respondent:

1. PUBLIC PROSECUTOR (AP)

THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

CRIMINAL APPEAL Nos.514 and 515 OF 2014

The Court made the following COMMON JUDGMENT:

These Criminal Appeals were filed by the Appellants/Accused challenging the judgment on the file of II Additional Metropolitan Sessions Judge, Visakhapatnam in Sessions Case No.142 of 2012, dated 16.04.2014.

I. BRIEF CONTENTIONS:

2. The learned counsel for the Appellant submitted that the Appellant/Accused No.2/Nagamalli Yellaji, in Criminal Appeal No.514 of 2014, was murdered on 01.07.2025 and in this regard Crime No. 229 of 2025 was registered at Kancharapalem Police Station, Visakhapatnam City, for the offences punishable under Sections 103(2), 109(1) read with Section 3(5) Bharatiya Nyaya Sanhita, 2023. That the Appellant/Accused No.1/Shaik Kumar, in Criminal Appeal No.515 of 2014, was murdered on 01.01.2018 and in this regard Crime No. 1 of 2018 was registered at Gajuwaka Police Station, Visakhapatnam City, for the offences punishable under Sections 302, 324 read with Section 34 IPC.

3. The learned Assistant Public Prosecutor submits that the Appellant/Accused No.2 in Crl.A.No.514 of 2014 and Appellant No.1/Accused No.1 in Crl.A.No.515 of 2014 were murdered and that FIRs have been registered and also filed the Charge sheets. Bailable Warrant in respect of Appellant No.2/Accused No.5 in Crl.A.No.515 of 2014 was executed and as

the whereabouts of Appellant No.3/Accused No.6 could not be traced, the learned Assistant Public Prosecutor sought time of execution of Bailable Warrant.

II. ANALYSIS:

4. Their submissions reveal that despite the registration of the aforesaid Crimes and the deaths of the Appellants on 01.07.2025 and 01.01.2018 respectively, the concerned Investigating Officers failed to bring those facts to the notice of this Court for all these days. As the factum of the death of the Appellants was not reported to this Court, as a result of which the Appeal has continued to remain pending for all these months. On 13.10.2026, as the counsel for the Appellant(s) reported no instructions, this Court had issued Bailable Warrants against the Appellants/Accused Nos.1 and 2 and other Appellants to secure their presence for hearing of these old Appeals.

5. This Court, in ***Chintapatla Kumaraswamy Vs.The State of Andhra Pradesh***[1] observed that this Court is not on just errors or on a delay of a month or two in submitting death or/and filing the death certificate of the Accused but abnormal delay of a decade or years. Also observed facing this issue frequently in submitting the deaths after a decade or years, in the meantime issuing Bailable, Non-Bailable Warrants or hearing the Appeals as the death was not brought to the notice of the Court. Also observed the cascading consequences including listing of the cases and spending precious time on these matters, hearing the matter against the dead person,

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contributing to the case to remain in the old pendency list, denting the image of the Judiciary and criticism for allowing them to function in such a way. Also observed the role of SHOs/Senior Officers from the stage of reporting of Offence/FIR, final disposal of the case, execution of sentence, if any, recovery of fine or compensation or both, if any, subsequent cases/antecedents, if any and placing them before the Courts and prosecution of the cases and also monitoring the Criminal cases/Appeals from their end, to give fresh instructions and proper co-ordination in these Technology days etc.

6. In view of the foregoing discussion and the law, it appears, there are serious lapses in prosecuting these appeals, the same to be examined. Thus, the Station House Officer, Kancharapalem Police Station and Gajuwaka Police Station, Visakhapatnam City, are directed to submit detailed reports within two weeks from the date of this order, for these serious lapses, also explain why appropriate departmental action should not be recommended for such serious lapses. The Commissioner of Police, Visakhapatnam is also directed to submit a detailed report on these serious lapses, also fix the responsibility of the concerned Officers for these lapses and examine to issue suitable instructions for effectively prosecuting the Criminal cases.

7. Recording the deaths of the respective Appellant/Accused No.2 in Criminal Appeal No.514 of 2014 is dismissed as abated and Appellant/Accused No.1 in Criminal Appeal No.515 of 2014 is dismissed as abated to that extent and the latter Appeal will be prosecuted against the other Appellants as per law.

8. List on 04.12.2026 for Reports and hearing in Criminal Appeal No.515 of 2014.

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JUSTICE ALAPATI GIRIDHAR

Dt: 18.11.2026
CHD

THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

CRIMINAL APPEAL Nos: 514 and 515 OF 2014

Dated: 18.11.2026

CHD