APHC010353032009

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

TUESDAY, THE 6th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

CRIMINAL APPEAL NO: 865 OF 2009

Between:

1. A. SUBBARANGAIAH AND ANOTHER, S/o. Late A.S.R. Gupta Advocate R/o. Chidambara Rao Street, Kurnool District.

2. A. VEnkata Subbamma, W/o. Late A.S.R. Gupta, Housewife R/o. Chidambara Rao Street, Kurnool District.

...Petitioners

AND

1. STATE OF ANDHRA PRADESH AND ANOTHER, Represented by its Public Prosecutor, High Court Buildings Hyderabad

2. S Nazeer Ahmed, S/o. Masoom Miah R/o. H.No. 96, Maruthi Mega City, B-Camp, Nandayal Road Kurnool District.

...Respondents

Counsel for the Petitioners: P R PRASAD

Counsel for the Respondents: Y JAYA RAJU Counsel for the Respondents: PUBLIC PROSECUTOR (AP)

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The Court made the following JUDGMENT:

1. None appeared for the Appellants. On 01.09.2026 also, none appeared for the Appellants.

2. The Court perused the material on record. It reveals that the Complainant, A.S.R. Gupta, initially filed the complaint under Section 138 of NI Act. It appears that he died during pendency of the Complaint, and his two sons filed an application seeking permission to prosecute the Complaint.

3. The record reveals that the Trial Court on 13.06.2008 observed that there was no representation at 3:30 p.m despite the conditional order, the Petitioner was absent, the Petition was dismissed for default.

4. The material on record reveals that the sons of the Appellant did not appear before the Trial Court and the Trial Court dismissed the Petition for non-prosecution.

5. On 01.09.2026 none appeared for the Appellant. The learned counsel for Accused No. 2 has submitted that the matter has been compromised out of Court. However, without a submission by the Appellants/Complainants or a memo to that effect, the Court cannot record the same and dispose of the appeal as compromised.

6. The material on record reveals that the Appellants did not appear and prosecute the Appeal, whereas the Appeal is pending since 2009. It appears the Appellants not show interest to prosecute the Appeal for all these years,

thus the Court invoking inherent powers inclined to dismiss the Appeal for non-prosecution in the circumstances of the case.

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

JUSTICE ALAPATI GIRIDHAR

Dated :06.10.2026
CHD

THE HON'BLE SRI JUSTICE ALAPATI GIRIDHAR

CRIMINAL APPEAL No.865 of 2009

Date: 06th October, 2026

CHD