APHC010378122026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

FRIDAY, THE 9th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 6184 OF 2026

Between:

1. Kakarlapudi Padmakar Varma, S/o.Venkata Seetha Rama Raju, Aged about 65 years, R/o.H.No.2-86, Main Road, Alamanda Village, Jami Mandal, Vizianagaram District.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by Public Prosecutor High Court of Andhra Pradesh at Amaravathi Guntur District- 522 239.

2. The Mandal Agricultural Officer, ,Jami Mandal, Vizianagaram District - 535 250.

3. Lagudu Demudu, , S/o. Suryanarayana,Rio. Alamanda Village, Jami Mandal,Vizianagaram District - 535 240.

4. Bandaru Ramakrishna, , S/o.Deemudu,Rio. Alamanda Village, Jami Mandal,Vizianagaram District - 535 240.

...Respondents

Petition under Section 437/438/439/482 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 to quash the official memo dated 18.12.2025 issued by Additional Judicial Magistrate of First Class, Vizianagaram in so far as directing the petitioner not to alienate or modify or change the nature and

structure of item and shall produce the same before the court as and when directed and pass

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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 dispense with the filing of the certified copy of official memo dated 18.12.2025 issued by Additional Judicial Magistrate of First Class, Vizianagaram and pass

Counsel for the Petitioner: C SUBODH

Counsel for the Respondents: PUBLIC PROSECUTOR

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The Court made the following Order:

Instant Criminal Petition, under Section 528 of the Bharatiya Nagarik Suraksha Sanhitha, 2023, has been filed on behalf of the petitioner herein, seeking to quash the official memo dated 18.12.2025 issued by the Additional Judicial Magistrate of First Class, Vizianagaram in Crl.P.M.P.No.4988 of 2025 in S.T.C.No.3427 of 2025.

2. Learned counsel for the petitioner draw attention of this Court to the relevant portion of the impugned official Memo dated 18.12.2025, which reads as under:

> *"The Mandal Agricultural Officer, Jami is Directing to return the case property* ***Prozone 1 Ltr 200 Pieces, Force 5 1 Ltr – 320 Pieces, Hexa – Xl 1 Ltr 30 Pieces total worth of Rs.78,883/-*** *which was the seized property is hereby given to the petitioner, namely,* ***Kakarlapudi Padmakar Varma, Alamanda Village of Jami Mandal, Vizianagaram District*** *on his executing a bond for an amount of Rs.****80,000/-*** *(Rupees Eighty Thousand only) with One surety for the like sum to the satisfaction of the Court; on proper identity and acknowledgement. The Mandal Agricultural Officer, Jami, Vizianagaram is further directed to obtain a bond for an amount of Rs.80,000/- (Rupees Eighty Thousand Only) duly taking photographs of the items from front, back and both sides of the item, besides instructing the petitioner not to alienate alter or modify or change the nature and structure of the item and shall produce the same before the Court as and when directed.*"
>
> *Emphasis supplied.*

3. Learned counsel for the petitioner pointed out that in terms of the above official Memo dated 18.12.2025, petitioner furnished a bond for an amount of Rs.80,000/- towards surety to the concerned authority. He further states that

concerned authorities also took photographs of all items from both sides. He further submits that the concerned department also took samples from the said items and forwarded them to the Regional Coding Centre, Amaravati, for analysis.

4. Learned counsel states that the seized items are perishable in nature and as such, it is just and essential to utilize the said items. He states that, in terms of the official Memo dated 18.12.2025, he has already furnished a bond of Rs.80,000/- as surety, to the concerned authority.

5. Conversely, learned Assistant Public Prosecutor, on instructions, fairly states that the concerned authorities took samples from the seized items and forwarded the same to the Regional Coding Centre, Amaravati, for analysis. He further states that the entire criminal proceedings were lodged by the concerned authorities on the ground that large quantity of insecticides were stored in unauthorized premises or sub-standard premises. At last, he states that in view of facts and circumstances of the case, respondent authorities have no objection to utilize the seized items by petitioner.

6. Recording the submissions made by learned counsel on both sides, the operative portion of the official Memo dated 18.12.2025 issued by the learned Additional Judicial Magistrate of First Class, Vizianagaram, is hereby modified by deleting the following words:

"*besides instructing the petitioner not to alienate, alter, modify or change the nature and structure of the item and shall produce the same before the Court as and when directed*".

7. Needless to state that remaining portion of the official Memo dated 18.12.2025 shall remain unaltered.

8. With the above observation, the Criminal Petition is disposed of.

Interlocutory applications, if any, pending shall stand closed.

JUSTICE MAHESWARA RAO KUNCHEAM

Date: 09.10.2026

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Date: 09.10.2026

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