APHC010570472026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

TUESDAY, THE 27th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 9579 OF 2026

Between:

1. Sriyapureddy Raja Rami Reddy, ,S/o Chinnapu Reddy,Aged about 54 years. CultivationR/o Chiyyapadu Village,Chapadu Mandal,Y.S.R. Kadapa District- 516356.

...Petitioner

AND

1. The State of Andhra Pradesh, ,Rep. by its SHO,Mydukur U/G Police Station,Through Public Prosecutor,High Court of Andhra Pradesh, Amaravati,Guntur District- 522 238.

2. Annabathini Venkata Subba Rao, ,S/o Raghavaiah,Aged about 53 years. BusinessR/o Rajakota Village, Chapadu Mandal,Y.S.R. Kadapa District- 516355.

...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 Courtto call for the records in the impugned C.C.No.196/2026 on the file of Hon'ble Judicial Magistrate of First Class, Mydukur and quash the same in so far as the Petitioner/Accused

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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 STAY all further proceedings including the appearance of the Petitioner/Accused in C.C.No.196/2026 on the file of Hon'ble Judicial Magistrate of First Class, Mydukur pending disposal of the above criminal petition

Counsel for the Petitioner: A SYAM SUNDAR REDDY

Counsel for the Respondents: PUBLIC PROSECUTOR

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

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ORDER:-

Instant Criminal Petition, under Section 528 of the Bharatiya Nagarik Suraksha Sanhitha, 2023, has been filed on behalf of the petitioner herein (Accused), seeking to quash the proceedings in CC No.196 of 2026 on the file of the Judicial Magistrate of First Class, Mydukur, for the offences under Sections 329(3), 351(2) and 331(5) of the Bharatiya Nyaya Sanhita, 2023.

2. Heard learned counsel for the petitioner and Sri K. Sandeep, learned Assistant Public Prosecutor appearing on behalf of respondent No.1-State.

3. Learned counsel for the petitioner submits that petitioner is aged about 54 years and is eking out his livelihood by doing agricultural work and as such, it is difficult for him to attend the Court. Learned counsel, after arguing for some time, has confined his argument to the extent of dispensing with the presence of the petitioner before the trial Court by submitting the petitioner's practical constraints in attending before the trial Court and states that the petitioner shall not dispute their identity at a later stage of proceedings.

4. On the other hand, learned Assistant Public Prosecutor contended that specific accusations have been made as against the petitioner herein and truth or otherwise of the said accusations has to be decided during the course of trial, hence, there are no grounds to quash the proceedings at this stage.

So far as dispensing with the presence of the petitioner, before the trial Court, he has not opposed the same.

5. Since there are specific accusations that have been made as against the petitioner herein, which are all disputed questions of fact, the same can be decided during the course of trial, and this Court, in a petition filed under Section 528 of BNSS, 2023 corresponding to Section 482 Cr.P.C., would not be in a position to conduct roving enquiry into the disputed questions of fact and quash the proceedings at this stage.

6. In this context, it is apt to note the dictum held in ***State of Uttar Pradesh and Another Vs. Akhil Sharda and Others***[1], by the Apex Court in its vivid terms in the following way:

> *7. Having gone through the impugned judgment and order passed by the High Court by which the High Court has set aside the criminal proceedings in exercise of powers under Section 482 Cr.P.C., it appears that the High Court has virtually conducted a mini trial, which as such is not permissible at this stage and while deciding the application under Section 482 Cr.P.C. As observed and held by this Court in a catena of decisions no mini trial can be conducted by the High Court in exercise of powers under Section 482 Cr.P.C., jurisdiction and at the stage of deciding the application under Section 482 Cr.P.C., the High Court cannot get into appreciation of evidence of the particular case being considered.*

[1]2022 LiveLaw (SC) 594

7. Considering the facts and circumstances of the case, this Court is not inclined to quash the proceedings against the petitioner herein. However, due to ground realities submitted by the counsel for the petitioner and as petitioner is aged about 54 years and is eking out his livelihood by doing agricultural work, presence of the petitioner herein (Accused) before the Judicial Magistrate of First Class, Mydukur, in CC No.196 of 2026 is hereby dispensed with, except on those dates when the learned trial Court feels that their presence is necessary. In the event of failure of the petitioner to appear, when the trial Court specifically directs, this Order shall stand automatically revoked, without recourse to this Court.

8. Accordingly, the Criminal Petition is disposed of.

9. Needless to state that the petitioner is at liberty to raise all the grounds before the trial Court.

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

JUSTICE MAHESWARA RAO KUNCHEAM

Date: 27.10.2026
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THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

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