



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3396]

WEDNESDAY, THE SEVENTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION NO: 4581/2024

Between:

1.K RAMACHANDRA REDDY, AGED 54 YEARS, S/O.K.VENKATA
SUBBAIAH, R/O.FLAT NO.505, APOORVA ENCLAVE, GANESH
NAGAR, KURNOOL CITY, KURNOOL DISTRI

...PETITIONER/ACCUSED

AND

1.THE STATE OF ANDHRA PRADESH, Rep. by its Public Prosecutor,
The High Court of Andhra Pradesh.

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

1.THATHIREDDY ASHOK SRIVASTAVA

Counsel for the Respondent/complainant:

1.PUBLIC PROSECUTOR

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA**CRIMINAL PETITION NO: 4581/2024****ORDER:**

The instant criminal petition under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C')/under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') has been filed by the Petitioner/Accused, seeking to quash the order dated 15.02.2023 passed by the learned II Additional Judicial Magistrate of First Class, Kurnool, in CrI.M.P.No.204 of 2022 in C.C.No.176 of 2019 by recalling the order dated 19.01.2023.

2. Heard Sri Thathireddy Ashok Srivastava, learned counsel for the Petitioner/Accused and Ms.K.Priyanka Lakshmi, learned Assistant Public Prosecutor on behalf of the State. As per the office note, notice served on the respondent No.2, none appeared.

3. Learned counsel for the petitioner would submit that the petitioner herein is the accused facing trial for the offence punishable under Section 138 of Negotiable Instruments Act. Learned counsel for the petitioner would further submit that the Trial Court allowed the petition in CrI.M.P.No.204 of 2022 in C.C.No.176 of 2019 vide order dated 19.01.2023, directing to send the Ex.P.1 to the Scientific Officer, Truth Labs, Forensic Science Laboratory, Hyderabad, Telangana State, for comparison of date, month and ink appearing on its back side with that of the front portion of Ex.P1 and directed the petitioner/Accused to deposit the D.D.amount towards Expert's fee. Learned counsel for the

petitioner would further submit that because the counsel for the accused before the Trial Court is not pursuing the matter in proper way, the petitioner engaged another counsel and filed memo of appearance on 15.02.2023. While allowing the Crl.M.P.No.204 of 2022, the Trial Court directed the matter to be listed on 15.02.2023. On 15.02.2023, without assigning any reason, the Crl.M.P.No.204 of 2022 is dismissed. Learned counsel for the petitioner placed on record, the proceeding sheet which is downloaded from the e-courts website. Learned counsel for the petitioner would further submit that the petitioner could not deposit the Expert's fee as ordered due to the inadvertence of his previous counsel. Thereafter, the petitioner filed another petition for the same relief, which was dismissed, since it is not maintainable. The petitioner filed one more petition before the Trial Court to recall the order which was passed on 15.02.2023 dismissing the petition, that was also dismissed since, the court has no jurisdiction to recall the order. Learned counsel for the petitioner would further submit that the petitioner may be given an opportunity to prosecute his case since the Court allowed his petition and he may be permitted to deposit the Expert's fee before the Court.

4. Learned Assistant Public Prosecutor on behalf of the State would submit that the Court may pass appropriate orders.

5. Considering the submissions made and on perusal of the material placed on record, the petition which was filed by the petitioner to send the document to the Expert was considered and allowed by the Trial Court. Only due to lapse on the part of the petitioner for not depositing the Expert's fee

into the Court, by the next date i.e., 15.02.2023, the Trial Court dismissed his petition. As can be seen from the proceeding sheet, the CrI.M.P.No.204 of 2022 is dismissed. But this dismissal is devoid of any reasons. The order which was passed by the learned Magistrate on 19.01.2023 does not disclose that if the petitioner fails to deposit that amount, the petition shall stand dismissed. Under such circumstances, since there is a change of vakalath on 15.02.2023, the learned Trial Judge ought to have given an opportunity to the petitioner to deposit the fees of the Expert since his plea to send the document to the Expert was already considered and allowed by the Court.

6. In that view, this Criminal Petition is allowed. The impugned order dated 15.02.2023 dismissing the CrI.M.P.No.204 of 2022 is set aside, restoring the order dated 19.01.2023 in CrI.M.P.No.204 of 2022. Learned Trial Judge is directed to proceed with the matter by giving an opportunity to the petitioner to deposit the amount within a period of one (1) week from this day and enable him to prosecute his case according to law. Learned Trial Judge is also requested to dispose of the matter as expeditiously as possible without granting any adjournment in a casual way by mere asking.

As a sequel thereto, miscellaneous petitions pending, if any, shall stand closed.

Dr. JUSTICE VENKATA JYOTHIRMAI PRATAPA

Date: 17.09.2025

Note: CC today,

B/o.

UPS

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HON'BLE DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION NO: 4581/2024

Dated.17.09.2025

*Note: CC today,
B/o.*

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