APHC010017052026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3368]
(Special Original Jurisdiction)

MONDAY, THE FIFTEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE B V L N CHAKRAVARTHI

CRIMINAL APPEAL No: 313/2026

Between:

1. ANDHAVARAM VENKATA SATYANARAYANA MURTHY, S/O LATE SANTHARAO, AGED ABOUT 67 YEARS, HINDU, BUSINESS, R/O PIOTNO. 21,RADHAKRISHNANAGAR, 0PP. PSNM SCHOOL,SRIKAKULAM TOWN AND DISTRICT.

...APELLANT

AND

1. THE STATE OF ANDHRA PRADESH, ,REP. BY ITS PUBLIC PROSECUTOR,HIGH COURT OF A.P., AMARAVATI.

2. YENNI VENKATA RAMANA, S/O RAMULU,AGED ABOUT 55 YEARS, HINDU, R/O PLOTNMOL,GOVINDANAGAR, NEAR ABHYDAYA DEGREE COLLEGE,INDIRA NAGAR, BALAGA RURAL, SRLKAKULAM TOWN AND DISTRICT.

...RESPODENT(S):

Counsel for the Appellant:

1. ARAVALA RAMA RAO

Counsel for the Respondent(S):

1.

The Court made the following:

THE HONOURABLE SRI JUSTICE B.V.L.N.CHAKRAVARTHI

CRIMINAL APPEAL (SR) No.313 OF 2026

O R D E R:

Heard Sri Aravala Ramarao, learned counsel for the petitioner/appellant/Complainant. He would submit that the appeal grounds may be returned permitting the appellant to file appeal before concerned Sessions Court as per proviso to Sections 372 of Cr.P.C., in the light of the Judgment of Hon'ble Apex Court in the case of **M/s.Celestium Financial Vs. A.Gnanasekaran**[1].

2. This appeal is preferred challenging the judgment dated 08.10.2025 rendered in C.C.No.232 of 2019 on the file of learned Judicial Magistrate of First Class, Srikakulam.

3. The learned trial Court dismissed the complaint for want of prosecution and accordingly, acquitted the accused for the offence under Section 138 of N.I.Act. Hence, the complainant preferred the appeal before this Court under Sections 378(4) of Cr.P.C.

4. The Hon'ble Apex Court in the above judgment relied on by the learned counsel for the appellant held that "*if the complainant is also a victim, they can prefer appeal under the proviso to section 372 Cr.P.C., in the case of dishonoured cheque also*".

[1] 2025 Livelaw (SC) 666

5. Undisputedly, the present appeal is preferred by the complainant, who is also a victim in a complaint filed for the offence U/s.138 of N.I.Act. Therefore, the complainant can prefer the appeal before the concerned Sessions Court under the proviso to Section 372 of Cr.P.C., equivalent to Section 413 of BNSS, 2023.

6. In the light of foregoing discussion, Registry is directed to return the original bundle forthwith along with delay condone application to the appellant, to enable him to represent the appeal within 4 (four) weeks from the date of receipt of copy of this Order, before the concerned Sessions Court in accordance with law. On such representation, concerned Sessions Court shall proceed with the appeal and delay condone petition in accordance with law.

7. Accordingly, the appeal is returned.

JUSTICE B.V.L.N. CHAKRAVARTHI

15.06.2026

PSK

THE HONOURABLE SRI JUSTICE B.V.L.N. CHAKRAVARTHI

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CRIMINAL APPEAL (S.R.) No.313 OF 2026

Date: 15.06.2026

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