APHC010180222019

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3604]
(Special Original Jurisdiction)

FRIDAY, THE 16th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

CRIMINAL APPEAL NO: 499/2019

Between:

1. A.CHANDRASEKHAR @ KALA YADAV, R/O. J.KOTHAPALLI VILLAGE, C.K.DINNE MANDAL, YSR KADAPA DISTRICT.

...APELLANT

AND

1. STATE OF ANDHRA PRADESH, REP. BY P.P. HIGH COURT OF ANDHRA PRADESH., AMARAVATHI. THROUGH THE SHO, C.K.DINNE POLICE STATION, YSR KADAPA DISTRICT.
2. A MANOJ, R/O. D.NO 1/1379, YERRAMUKKAPALLI, KADAPA CITY, YSR KADAPA DISTRICT.

...RESPODENT(S):

Appeal under Section 372/374(2)/378(4) of Cr.P.C praying that the High Court may be pleased to Passed against the appellant in Crl.Appeal No 226/2018 on the file of the Principal Sessions Judge, Kadapa, Dt. 18.05.2019 reversing the judgment in C.C No 335/2017 on the file of the Special Judicial Magistrate of I Class for Prohibition and excise Offences, Kadapa, Dt. 26.10.2018,

IA NO: 1 OF 2019

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased pleased to suspend the execution of sentence passed in Crl.A.No.226 of 2018 on the file of the Principal Sessions Judge, Kadapa, Dt.18.05.2019 and release the petitioner on bail, pending disposal of the above criminal appeal and pass

Counsel for the Apellant:

1. L J VEERA REDDY

Counsel for the Respodent(S):

1. PUBLIC PROSECUTOR (AP)
2. DHEERA KANISHKA

The Court made the following:

THE HON'BLE SMT. JUSTICE SUNITHA GANDHAM

CRIMINAL APPEAL No: 499 OF 2019

JUDGMENT:

Heard Sri L.J. Veera Reddy, learned counsel for the appellant and Sri Dheera Kanishka, learned counsel for the respondent No.2.

2. As seen from the record, originally, basing on the report of respondent No.2, the instant crime is registered of the offence under Section 420 of Indian Penal Code (hereinafter referred to as 'the Code') and after completion of investigation, the investigating officer laid charge sheet of the said offence. At the culmination of trial, the learned trial court acquitted the accused *vide* Judgment dated 26.10.2018 in C.C.No.335 of 2017. Feeling aggrieved by the said judgment of acquittal, respondent No.2/de facto complainant preferred the appeal in Criminal Appeal No.226 of 2018 and the same is allowed *vide* judgment dated 18.05.2019 passed by the learned Principal Sessions Judge, Kadapa whereby, the appellant/accused is found guilty of the offence under Section 420 of the Code and he sentenced to undergo rigorous imprisonment for a period of four years and also to pay fine of Rs.10,000/-. Aggrieved by the said judgment of conviction, the accused preferred the instant appeal.

3. During arguments, learned counsel for the respondent No.2 submitted that in view of the judgment of the Hon'ble Apex Court in ***Vishnu Kumar Gupta v. State of Madhya Pradesh and Another***[1], this appeal is not maintainable and the only recourse left to the appellant is to prefer the revision.

4. In the judgment relied upon by the learned counsel for the respondent No.2 in ***Vishnu Kumar Gupta*** (*supra*), the Hon'ble Apex Court held that an appeal under Section 374 of the Code of Criminal Procedure, 1973 is not maintainable against judgment of conviction recorded by the learned Sessions Judge while exercising appellant jurisdiction and reversing an order of

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acquittal passed by the learned trial court and the only remedy which is available to the appellant is to file a revision under Sections 379 and 401 of the Cr.P.C. In the present case at hand also, initially, the accused was acquitted of the offence under Section 420 of the Code and the judgment passed by the learned trial court is reversed by the learned Principal Sessions Judge convicting the accused. Feeling aggrieved by the judgment of conviction passed by the appellate court, accused preferred the instant appeal.

5. The judgment relied upon by the learned counsel for the respondent No.2 clearly shows that this criminal appeal is not maintainable and the appellant is at liberty to reproach this Court by way of criminal revision. In the said judgment, Hon'ble Apex Court has categorically distinguished the rights of parties to prefer an appeal as well as revision and the powers of revisional and appellate courts.

6. For the foregoing reasons, this court is of the considered view that in view of the aforementioned decision, this criminal appeal is not maintainable.

7. ***In the result***, this Criminal Appeal is dismissed. However, liberty is given to the appellant/accused to take appropriate legal steps, in view of the aforementioned judgment, if he is so advised.

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

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SUNITHA GANDHAM, J

16.10.2026

Vns