

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD

FRIDAY, THE FOURTEENTH DAY OF JUNE  
TWO THOUSAND AND THIRTEEN

PRESENT

**THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR**

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**CRIMINAL PETITION No.1206 of 2002**

Between:

Yerram Kalyanachakravarthy and another

**..... PETITIONERS**

And

Yerram Sreenivasa Rao and 4 others

**.....RESPONDENTS**

**The Court made the following:**

**THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR**

**CRIMINAL PETITION No.1206 of 2002**

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**ORDER:**

The present criminal petition is filed by the petitioners under Section 482 Cr.P.C. praying this Court to conduct enquiry in terms of Section 340 Cr.P.C. with regard to the false affidavits said to have been filed in C.M.P.No.2746/2002 and also lodge a complaint to prosecute the respondents herein for the offences punishable under Sections 181, 182, 199 and 200 IPC.

When the matter came up for hearing on 22.04.2002, this Court made the following Order:

“Perhaps by mistake, the present application

seeking prosecution of the party for perjury by allegedly filing a false affidavit in CMP No.2746 of 2002 has been registered as CrI.P.No.1206 of 2002 (present petition). The Civil Case, which has given rise the cause of action for the present application, is still pending adjudication before a learned single Judge of this Court. Under such circumstances, the present petition could have been numbered on civil side.

That apart, there has been no rule in the Rules of the High Court of Judicature, Andhra Pradesh at Hyderabad in its appellate jurisdiction, under which an application under Section 340 of the Code of Criminal Procedure can be entertained unlike in the case of Rule 62 of the Civil Rules of Practice and Circular Orders in Andhra Pradesh applicable to the Subordinate Courts. Rule 62 thereof specifically envisages that every application made to a Civil Court under the provisions of Section 340 of the Code of Criminal Procedure shall be registered as interlocutory application. The application in the present case on an analogy should have been registered as a petition on civil side.

The Registry is, therefore, directed to re-register the present petition on Civil side and post it before the Hon'ble Judge before whom the connected Civil matter is pending adjudication after obtaining the necessary orders from My Lord the Hon'ble Chief Justice."

As per the above order, the learned counsel for the petitioners has to complete certain formalities, like converting the criminal petition into CMP on civil side, but the same was not done till today. Meanwhile, the main case, i.e., A.S.No.2458/2001 came to be dismissed as withdrawn on 21.10.2008.

In that view of the matter, nothing survives in the present criminal petition and the same is accordingly dismissed as infructuous.

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**C.PRAVEEN KUMAR,J**

Dated: 14.06.2013

Dsr