

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

THURSDAY, THE ELEVENTH DAY OF MAY
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE MS JUSTICE B S BHANUMATHI



IA No. 1 OF 2023

IN

CRLA NO: 40 OF 2022

Between:

Pittala Suresh, S/o. P. Somaiah, aged 22 years, R/o. Chityal Village, Thorru Mandal, Warangal District.

...Appellant/Accused No.4

AND

The State of Andhra Pradesh, Through Directorate of Revenue Intelligence, Vijayawada, Rep, by its Special Public Prosecutor, High Court of Andhra Pradesh at Amaravati.

...Respondent/Complainant

(Respondent cause title is amended as per the Court order dated 05.05.2023 in IA No.2 of 2023 in CrI.A.No.40 of 2022)

Petition under Section 389(1) of Cr.P.C praying that in the circumstances stated in the grounds filed in Criminal Appeal, the High Court may be pleased to suspend the execution of sentence of petitioner in NDPS Sessions Case No.78 of 2018 on the file of the I Addl. Sessions Judge, East Godavari at Rajamahendravaram and release the petitioner, pending disposal of CRLA No. 40 of 2022, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the memorandum of grounds filed in support thereof and upon hearing the arguments of Sri K Pridhvi Raju, Advocate for the Petitioner and of Public Prosecutor for the Respondent, the Court made the following;

ORDER:

"This application has been filed by the petitioner/A4 to suspend the sentence imposed against him, vide judgment, dated 31.12.2021, in S.C.No.78 of 2018 on the file of the Court of I Additional Sessions Judge, East Godavari, at Rajamahendravaram, and to enlarge the petitioner/A4 on bail.

The appeal is filed aggrieved by the judgment, dated 31.12.2021, passed in S.C.No.78 of 2018, whereby, the petitioner/A4 was found guilty for the offence punishable under Section 8(c) read with 20(b)(ii)(c) of the N.D.P.S.Act and sentenced to suffer rigorous imprisonment for ten years and to pay a fine of Rs.1,00,000/- in default, to suffer simple imprisonment for one year.

Heard the learned counsel for the petitioner/A4 and the learned Assistant Public Prosecutor appearing for the respondent/State.

Learned counsel for the petitioner submitted that the petitioner has been in judicial custody since 10.11.2017 onwards till date, and almost more than five years three months of the sentence awarded has already been undergone. The petitioner

is now confined in Central Prison, Rajamahendravaram. It is further submitted that co-accused has already been enlarged on bail by this Court, vide order, dated 23.02.2023, passed in I.A.No.2 of 2022 in Criminal Appeal No.168 of 2022.

Perused the record.

Admittedly, the petitioner/A4 has been in judicial custody since 10.11.2017. In view of the principles laid down in Mohd. Arif @ Guddu v. State NCT of Delhi {Criminal Appeal No.293 of 2017, dated 19.05.2020}, since the petitioner has undergone the sentence of more than four (4) years, which includes fifteen months pursuant to the conviction, this Court is of the view that the case of the petitioner can be considered for grant of bail. Further, there is no chance of the present appeal being taken up for hearing in the near future. In view of the above facts and circumstances, the sentence of imprisonment alone is suspended, pending disposal of the criminal appeal, and the petitioner/A4 shall be enlarged on bail on his executing personal bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a likesum to the satisfaction of I Additional Sessions Judge, East Godavari, at Rajamahendravaram.

After release, the petitioner/ A4 shall report before the Station House Officer concerned once in a month, i.e., 1st Sunday of every month, between 10.00 AM and 05.00 PM, till disposal of the present criminal appeal."

Sd/- M. SRINIVAS
ASSISTANT REGISTRAR

//TRUE COPY//

For AS

SECTION OFFICER

To,

1. The I Addl. Sessions Judge, East Godavari at Rajamahendravaram.
2. The Superintendent, Central Prison, Rajamahendravaram, East Godavari District.
3. One CC to Sri. K Pridhvi Raju, Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court of AP [OUT]
5. One spare copy.

MSB

HIGH COURT

BSB,J

DATED:11/05/2023

ORDER

IA NO.1 OF 2023
IN
CRLA.No.40 of 2022

DIRECTION

