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**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

THURSDAY, THE ELEVENTH DAY OF OCTOBER,
TWO THOUSAND AND EIGHTEEN

:PRESENT:
THE HON'BLE SRI JUSTICE **N.BALAYOGI**

I.A. NO: 1 of 2018
IN
CRL.R.C. NO: 2614 of 2018

Between:

P.Mallikarjuna Reddy, S/o. Raghava Reddy

Petitioner/Accused
(Petitioner in Crl. RC. No. 2614 of 2018
on the file of High Court)

AND

1. Smt. P.Anuradha, W/o. P.B.Rama Swamy, Occ: Private Employee, R/o. Chilkur Balaji Residency, Sudershan Reddy Nagar, HMT, Chintal, Hyderabad.
2. State of Telangana, rep by Public Prosecutor.

Respondents
(Respondents in-do-)

Petition under Section 397(1) of Cr.P.C., praying that in the circumstances stated in the petition, the High Court may be pleased to suspend the sentence of imprisonment passed in the judgment dt. 17-07-2018 in Crl.A.No. 557/2013 passed by the learned XIII Additional Sessions Judge, Ranga Reddy District at L.B.Nagar, pending disposal of Crl.RC. No. 2614/2018 on the file of the High Court.

The petition coming on for hearing, upon perusing the petition and the grounds filed in Crl.R.C., and upon hearing the arguments of Sri K.Surender, Advocate for the Petitioner and of Public Prosecutor (TG) for the Respondent No.2, the Court made the following

ORDER:

“ Heard learned Counsel for the petitioner/accused and learned Public Prosecutor appearing for the second respondent-State.

The petitioner herein is the accused in CC.No.476 of 2012 on the file of I-Special Magistrate, L.B.Nagar, Ranga Reddy District. The trial Court by judgment dated 5.9.2013 convicted the petitioner/accused for the offence punishable under Section 138 of NI Act and sentenced him to undergo Rigorous Imprisonment for two years and to pay fine of Rs.60,000/-, in default to undergo simple imprisonment for a period of three months. Aggrieved thereby, the petitioner/accused preferred Criminal Appeal No.557 of 2013 before the Court of XIII Additional District & Sessions Judge, Ranga Reddy District, at L.B. Nagar, and the lower Appellate Court by judgment dated 17.7.2018 dismissed the appeal while confirming the conviction and sentence imposed by the trial Court. Hence the present Criminal Revision Case.

Learned Counsel for the petitioner/accused submits that during the course of trial in CC.No.476 of 2012 and pending hearing of the appeal, the petitioner/accused was on bail and that even after the judgment delivered by the lower appellate Court, the petitioner is not yet committed to jail. It is further submitted that pending adjudication of the Criminal Appeal, the petitioner/accused filed Crl.M.P.No.520 of 2013 in Crl.A.No.557 of 2013 seeking to suspend the sentence of payment of fine and enlarge him on bail and the lower appellate Court by order dated 12.09.2013 while allowing the petition suspended the sentence of payment of fine imposed by the trial Court subject to condition of the petitioner depositing Rs.10,00,000/- on or before 12.10.2013 and further directed therein that on complying the said condition, the petitioner/accused should be enlarged on bail on his furnishing personal bond for Rs.10,000/- with two sureties each for the like sum. It is submitted by the learned Counsel for the petitioner/accused that the petitioner has complied the condition of depositing Rs.10,00,000/- and thereafter he was enlarged on bail.

Having heard the learned Counsel on either side, gone through the material on record, I am of the considered view it will take some more time for disposal of the Criminal Revision Case and hence it is a fit case where the sentence of imprisonment can be suspended while enlarging the petitioner/accused on bail.

Accordingly, there shall be interim suspension of sentence of imprisonment alone passed in CC No. 476 of 2012 dated 5.9.2013 on the file of I Special Magistrate, L.B.Nagar, at Ranga Reddy District, which was confirmed in CrI.A.No.557 of 2013 dated 17.7.2018 on the file of XIII Additional District & Sessions Judge, Ranga Reddy District, at L.B.Nagar and the petitioner/accused shall be enlarged on bail on his executing a personal bond for Rs.20,000/- with two sureties each for the like sum to the satisfaction of I Additional Chief Metropolitan Magistrate, at Hyderabad.

I.A. is ordered accordingly."

SD/- I. NAGA LAKSHMI
ASSISTANT REGISTRAR

//TRUE COPY//

for ASSISTANT REGISTRAR

To

1. The XIII Additional District & Sessions Judge, Ranga Reddy District at L.B.Nagar -
2. The I Additional Chief Metropolitan Magistrate at Hyderabad. -
3. Two CCs to Public Prosecutor (TG), High Court, Hyd(OUT) -
4. One CC to Sri K.Surender, Advocate (OPUC) -
5. One spare Copy

SAH

HIGH COURT

NBYJ

DATE: 11-10-2018

ORDER

I.A. NO. 1 OF 2018
IN
CRL.R.C. NO. 2614 OF 2018

DIRECTION

