

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

FRIDAY, THE THIRTEENTH DAY OF FEBRUARY,

TWO THOUSAND AND TWENTY SIX

:PRESENT:

THE HONOURABLE SRI JUSTICE B V L N CHAKRAVARTHI

IA No. 1 OF 2026

IN

CRLA NO: 84 OF 2026



Between:

P.Sekhar, S/o Perumal, aged 30 years, Occ: Coolie, R/o. Puliyanakupam
Village, Poluru Taluk, Tiruvannamalai District, Tamil Nadu State.

...Appellant/Accused No.3

(Petitioner in CRLA 84 OF 2026

on the file of High Court)

AND

The State of Andhra Pradesh, Rep. by its Public Prosecutor, High Court of
Andhra Pradesh at Amaravati

...Respondent

(Respondents in-do-)

Counsel for the Petitioner : SRI D.PURNACHANDRA REDDY

Counsel for the Respondent : PUBLIC PROSECUTOR

Petition under Section 430(1) of BNSS is filed praying that in the circumstances stated in the memorandum of grounds of criminal appeal, the High Court may be pleased or the reasons stated in the accompanying Memorandum of Grounds, the petitioner prays that this Hon'ble court may be pleased to suspend the execution of sentence along with fine amount dt.03.02.2026 passed in RSS S.C.No. 57/2023 on the file of the Special Court in the Cadre of Addl. District & Sessions Judge for Trial of Red Sanders Smuggling Cases, Tirupati and release the Appellant/Accused No.3 on bail, pending disposal of CRLA No.84 of 2026, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER:

Heard Sri D.Purnachandra Reddy, learned counsel for the petitioner/appellant / convict/A-3 and learned Additional Public Prosecutor representing the State.

This application is filed to suspend the execution of sentence along with fine amount imposed by the learned Special Court in the Cadre of Additional District and Sessions Judge for Trial of Red Sanders Smuggling Cases, Tirupati, dated 03.02.2026 in RSS S.C.No.57 of 2023.

Learned counsel for the petitioner/convict/A-3 would submit that the petitioner was found guilty for the offence U/s.32-A punishable U/s.36-A of A.P.Forest (Amendment) Act, 2016 and accordingly, he was convicted U/s.235(2) Cr.P.C., and sentenced to undergo Rigorous Imprisonment for a period of five (05) years and to a pay fine of Rs.3,00,000/- (Rupees Three Lakhs only), in default of payment of fine, the petitioner/A-3 has to undergo simple Imprisonment for a period of six (06) months for the offence U/s.32-A punishable U/s.36-A of A.P.Forest (Amendment) Act, 2016.

Learned counsel for the petitioner would further submit that the petitioner preferred the present appeal challenging the judgment of trial Court on various grounds on facts and law. The present application is filed to suspend the execution of sentence along with fine amount, pending disposal of the appeal.

Learned counsel for the petitioner would further submit that the learned trial Court erred in convicting the appellants, and failed to consider that no independent witnesses were examined to prove the seizure of the red sander as alleged in the case, and there are fair chances to succeed in the appeal.

Learned Additional Public Prosecutor representing the State opposed the present application. No written objections were filed, but fairly conceded that there are no antecedents against the petitioner/convict, which would show that he involved in similar offence.

Considering the above facts and circumstances and as some time may take to dispose of the appeal, the order of sentence of imprisonment alone dated 03.02.2026 in RSS S.C.No.57 of 2023 on the file of the learned Special Court in the Cadre of Additional District and Sessions Judge for Trial of Red Sanders Smuggling Cases, Tirupati, is hereby suspended, pending disposal of the appeal, in respect of the appellant/convict/A-3 only, subject to the following conditions:

- i) The petitioner/appellant shall be enlarged on bail, on executing a personal bond for Rs.20,000/- (Rupees Twenty Thousand only), with two (02) sureties for a like sum each, to the satisfaction of the learned trial Court.
- ii) The petitioner/appellant shall pay 10% (Ten Percent) of the fine amount imposed by the learned trial Court within four (04) weeks from the date of receipt of copy of this order before the trial Court and file receipt before this Court.
- iii) On release, the petitioner / appellant shall appear before the learned trial Court, on every fourth Saturday of the month, till disposal of the Appeal.
- iv) The petitioner/appellant shall not leave the country without permission of the Court.
- v) The petitioner/appellant shall not involve in similar offence in future in any manner.
- vi) If the petitioner/appellant violates any of the above conditions, the prosecution is at liberty to file an application seeking cancellation of the bail.

Accordingly, the application is ordered.

SD/-A.VIJAYA BABU
DEPUTY REGISTRAR

//TRUE COPY//


SECTION OFFICER

For

To,

1. The Addl. District & Sessions Judge for Trial of Red Sanders Smuggling Cases, Tirupati
2. The Judicial Magistrate of I Class, Puttur.
3. The Superintendent, Central Prison, Nellore.
4. One CC to Sri. D.Purnachandra Reddy, Advocate [OPUC]
5. Two CCs to Public Prosecutor, High Court of AP [OUT]
6. One spare copy

HIGH COURT

BVLNC,J

DATED:13/02/2026

**LIST THE MATTER IN THE FOURTH (04) WEEK OF JUNE, 2026 IN
USUSAL COURSE**

ORDER

IA.NO.1 OF 2026

IN

CRLA.No.84 of 2026

DIRECTION

