

APHC010128972025



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[0]

TUESDAY, THE EIGHTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

HON'BLE DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION (SR) NO: 3415/2025

Between:

Simhadri Lakshmi

...PETITIONER/ACCUSED

AND

The State Of Andhra Pradesh

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

1. SIMHACHALAM KARUKOLA

Counsel for the Respondent/complainant:

1.

The Court made the following:

HON'BLE DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA**CRIMINAL PETITION (SR) NO: 3415/2025****ORDER:**

This Criminal Petition, under Section 483 of BNSS, is filed on behalf of the petitioner herein/Accused to enlarge her on bail in Calendar Case No. 2480 of 2023 for the offences punishable under Section 138 r/w 142 of Negotiable Instruments Act on the file of VI Special Magistrate Court, Visakhapatnam.

2. Heard Sri Simhachalam Karukola, learned counsel for the petitioner and Sri Neelothpal Ganji, learned Assistant Public Prosecutor representing the respondent/State.

3. Learned counsel for the petitioner would submit that the petitioner is a woman. She was convicted for the offence punishable under Section 138 r/w 142 of Negotiable Instruments Act., in Calendar Case No. 2480 of 2023 dated 30.01.2025. Wherein she was sentenced to undergo simple imprisonment for a period of Six (06) months and pay a fine of Rs. 5,00,000/- (Rupees Five Lakhs only) towards fine out of which Rs.4,80,000/- (Rupees Four lakhs and Eighty Thousand only) to be paid to the complainant towards compensation and remaining fine amount of Rs.20,000/- is to be remitted to Government within two months from the date of that judgment. In default of payment of fine and compensation, she shall undergo simple imprisonment for a period of six weeks. Learned counsel for the petitioner would submit that the sentence of imprisonment passed against the petitioner was suspended till 28.02.2025

and with a delay of two days, the petitioner preferred an appeal before the District Court, Visakhapatnam. The said appeal is pending for registration since it is filed with a delay of two (2) days. Notice was ordered to the respondent/complainant in the said appeal. Learned counsel would further submit that meanwhile, the petitioner approached the Trial Court and filed a petition seeking extension of the time granted for seeking suspension of sentence before the Appellate Court. Learned counsel would further submit that the learned Trial Judge did not even entertain the said petition and it is not numbered. Learned counsel would further submit that after expiry of the period of 30 days by 28.02.2025, learned Trial Judge issued Non-Bailable Warrant. On execution of such warrant, the petitioner was produced before the Trial Court and she was sent to jail to serve the sentence on 07.03.2025. Learned counsel would further submit that the petitioner good grounds to succeed in the appeal. She has been in jail for the last 10 days. Learned counsel would submit that the petitioner is ready to furnish the sureties to the satisfaction of the court. Till the petitioner approach the Appellate court, seeking suspension of sentence, bail may be granted to her.

4. Learned Assistant Public Prosecutor would submit that the Court may pass appropriate Orders.

5. Considering the submissions made, since the petitioner has approached the Appellate Court with a delay of two (2) days in filing the appeal, the appeal is not yet numbered. In delay petition, notice has to be served to the respondent/complainant. In that view, as the delay petition is

pending before the Appellate Court, it appears they have not entertained the petition for suspending the sentence of imprisonment passed against him. Considering all these facts and circumstances, as the petitioner is a woman and she is in jail since 07.03.2025, it is apposite to allow the petition with the following directions:

- i. The petitioner shall be enlarged on bail on her executing a personal bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two local sureties for the like sum each to the satisfaction of the Trial Court.
- ii. The petitioner has to seek suspension of sentence passed against her before the Appellate Court.
- iii. Learned Appellate Judge is directed to see that notice to be served on the complainant and appeal to be numbered and consider the application which is filed for suspension of sentence and may take appropriate decision according to law on its own merits. This Court makes it clear that this bail is granted to the petitioner only as an interim measure till she get suspension before the Appellate Court.

6. Accordingly, the Criminal Petition is **allowed**.

Consequently, miscellaneous applications pending, if any, shall stand closed.

Dr. VENKATA JYOTHIRMAI PRATAPA, J

Date:18.03.2025
Note: CC today,
B/o. UPS

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HON'BLE DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

Crl.P.(SR) No.3415 of 2025

Dated.18.03.2025

*Note: CC today,
B/o. UPS*