

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

WEDNESDAY, THE NINETEENTH DAY OF MARCH

TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA



IA No. 1 OF 2025

IN

CRLA NO: 158 OF 2025

Between:

Yadamakanti Venkateswarlu, S/o. Obaiah, Aged 25 years, R/o.
Padamatinaidupalli Village, Marripadu Mandal, Nellore District.

...Appellant/Accused No.1

AND

1. The State Of Andhra Pradesh, Rep. by its Public Prosecutor, High Court at Amaravathi.
2. Penchula Narasaiah, S/o. Polaiah, R/o. Padamatinaidupalli Village, Marripadu Mandal, SPSR Nellore District.

...Respondents

Counsel for the Petitioner: SRI. V VINOD K REDDY

Counsel for the Respondent: PUBLIC PROSECUTOR

Petition under Section 389(1) of Cr.P.C/430 (1) of BNSS., is filed praying that in the circumstances stated in the memorandum of grounds filed in support of the petition, the High Court may be pleased to suspend the impugned Judgment dated 10.03.2025 passed in POCSO S.C.No.58 of 2019 on the file of The Special Judge for Speedy Trail of Offences Under Protection of Children From Sexual Offences Act, Nellore (Old Case P.S.C.No.49/2017

on the file of the 1 Additional District Court, Nellore) and enlarge the Appellant on bail in connection with the same.

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). The Court made the following

ORDER:

The Present interlocutory application is filed seeking suspension of sentence of imprisonment imposed against the petitioner/accused No.1 in POCSO Sessions Case No.58 of 2019 on the file of learned Special Judge for speedy trial of offences under the Protection of Children from Sexual Offences Act, Nellore, pending disposal of the Criminal Appeal and to enlarge the petitioner.

Heard Sri V.Vinod K. Reddy, learned counsel for the petitioner and Ms. K.Priyanka Lakshmi, learned Assistant Public Prosecutor appearing for the respondent-State.

Learned counsel for the petitioner would submit that the petitioner was convicted for the offences punishable under Sections 448, 354A(1)(i) of IPC and Section 7 r/w 8 of POCSO Act. The petitioner/accused No.1 was sentenced to undergo rigorous imprisonment for a period of five years and to pay a fine of Rs.25,000/- (Rupees twenty five thousand only) for the offence punishable under Section 7 r/w 8 of POCSO Act, in default of payment of fine, he shall undergo simple imprisonment for a period of six months and further, he was sentenced to undergo rigorous imprisonment for a period of one year for the offence punishable under Section 448 of IPC.

Learned counsel for the petitioner further would submit that the petitioner has good grounds to succeed the appeal and the appeal may take some considerable time for disposal. Learned counsel finally prays to allow the petition by imposing certain conditions to ensure the presence of the petitioner before this Court in the present Appeal.

Ms. K.Priyanka Lakshmi, learned Assistant Public Prosecutor would submit that this Court may impose appropriate conditions while considering the petition.

Considering the submissions made, this petition is allowed on the following conditions:

1. The petitioner/accused No.1 shall execute a personal bond for a sum of Rs.20,000/- (Rupees Twenty Thousand Only) with two sureties for a like sum each to the satisfaction of the trial Court.
2. The petitioner/accused No.1 shall appear before this Court whenever this appeal is listed for final hearing.

Sd/- . Sri K. Tata Rao
DEPUTY REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Special Judge for Speedy Trial of Offences Under Protection of Children From Sexual Offences Act, Nellore, SPSR Nellore District.
2. The I Additional District Court, Nellore, SPSR Nellore District.
3. The Principal District & Sessions Judge, Nellore, SPSR Nellore District.
4. The Superintendent, Central Jail, Nellore, SPSR Nellore District.
5. Penchula Narasaiah, S/o. Polaiah, R/o. Padamatinaidupalli Village, Marripadu Mandal, SPSR Nellore District. (By RPAD)
6. One CC to SRI. V VINOD K REDDY Advocate [OPUC]
7. Two CCs to the PUBLIC PROSECUTOR, High Court of Andhra Pradesh [OUT]
8. One spare copy

JSS

HIGH COURT

DR. VJP, J

DATED:19/03/2025

LIST THE MATTER IN USUAL COURSE

ORDER

IA No. 1 OF 2025

IN

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DIRECTION

