

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
WEDNESDAY, THE TWENTY SECOND DAY OF APRIL
TWO THOUSAND AND TWENTY SIX**

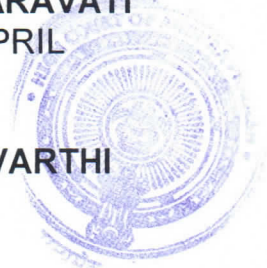
:PRESENT:

THE HONOURABLE SRI JUSTICE B V L N CHAKRAVARTHI

IA No. 1 OF 2026

IN

CRLA NO: 263 OF 2026



Between:

1. Kadapa Hari Babu @ Balapalli Babu, S/o. Late Narayanappa, aged 53 yrs, R/o. Balapalli Village, Railway Kodur Mandal, Kadapa District, at present residing at D.No.4/63/1, Padmavathipuram, Tirupati.
2. Nagaram Babu Reddy @ Bala Reddy, S/o, N. Sankar Reddy, aged 36 years, Sanjaygandhi Colony, Korlagunta, Tirupati.
3. Goddindia Mallikarjuna, S/o. G. Venkataramaiah, Aged 41 years, Siripuram Colony, Tirupati.

...Petitioners/Accuses Nos. 1 to 3

AND

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

...Respondent

Counsel for the Petitioners: 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 affidavit filed in support of the petition, the High Court may be pleased to suspend the execution of sentence dt.09.04.2026 passed in RSS S.C.No.372/2022 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.1 to 3 on bail, Pending disposal of CRLA No.263 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). The Court made the following

ORDER

Heard Sri D.Purnachandra Reddy, learned counsel for the petitioners/appellants/convicts/A1 to A3 and Sri C.Panini Somayaji, learned Additional Public Prosecutor representing the State.

This application is filed to suspend the execution of sentence imposed by the learned Special Court in the Cadre of Additional District and Sessions Judge for Trial of Red Sanders Smuggling Cases, Tirupati, dated 09.04.2026 in RSS S.C.No.372 of 2022.

Learned counsel for the petitioners/convicts/A1 to A3 would submit that the petitioners were found guilty for the offence Under Rule 3 of A.P. Sandal Wood & Red Sanders Wood Transit Rules, 1969 punishable under Section 29(4)(a)(i) of AP Forest Act, 1967 and accordingly, they were convicted U/s.235(2) Cr.P.C., and sentenced to undergo Rigorous Imprisonment for a period of one (01) year and to pay a fine of Rs.10,000/- (Rupees Ten Thousand only) and in default of payment of fine, the petitioners/ A1 to A3 shall undergo Simple Imprisonment for a period of three (03) months for the offence under Rule 3 of A.P. Sandal Wood & Red Sanders Wood Transit Rules, 1969 punishable under Section 29(4)(a)(i) of AP Forest Act, 1967.

Learned counsel for the petitioners would further submit that the petitioners paid the fine amount and filed original receipts along with the appeal grounds.

Learned counsel for the petitioners would further submit that the sentence of imprisonment imposed by the trial Court is a fixed sentence for one year and there is no possibility of hearing the appeal in the near future. The petitioners have preferred the present appeal challenging the judgment of trial Court on various grounds on facts and law, and there is a fair chance to succeed in the appeal. The appellants were released on bail under Section 389(3) Cr.P.C., equivalent to section 430(3) of BNSS 2023 by the trial Court to file the appeal. The trial Court released them for twenty (20) days only to file the appeal, though the period of limitation for filing the appeal is sixty (60) days as per the provisions of the Limitation Act, 1963. The time granted by the trial Court expires on 24.04.2026. Considering all these circumstances, the sentence of imprisonment may be suspended, pending disposal of the appeal.

Learned Additional Public Prosecutor representing the State opposed the present application. No written objections were filed. He would submit that the appellant/A1 involved in similar offence earlier. However, he would fairly conceded that he was acquitted in those two cases.

Considering the above facts and circumstances, as the sentence of imprisonment imposed by the trial Court is a fixed sentence of one year only, as there is no possibility of hearing the appeal in the near future, this Court is of the considered opinion that *"the order of sentence of imprisonment alone dated 04.04.2026 passed in RSS S.C.No.372 of 2022 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 appellants/convicts/A1 to A3 subject to the same terms and conditions imposed in the application filed before the learned trial Court U/s.389(3) Cr.P.C., equivalent to section 430(3) of BNSS 2023, in addition to the following conditions”:

- i) The petitioners/appellants/A1 to A3 shall not leave the country without permission of the Court.**
- ii) The petitioners/appellants/A1 to A3 shall not involve in any similar offence in future in any manner.**
- iii) If the petitioners/appellants/A1 to A3 violate any of the above conditions, the prosecution is at liberty to file an application seeking cancellation of this order before the trial Court. If any such application is filed, the trial Court is at liberty to pass necessary orders in accordance with law.**

Accordingly, the application is ordered.

**SD/-K.V.RAGHAVULU
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

F

To,

- 1. The Special Court in the Cadre of Addl. District & Sessions Judge for Trial of Red Sanders Smuggling Cases, Tirupati**
- 2. The Addl Judicial Magistrate of I Class, Srikalahasti**
- 3. One CC to Sri D Purnachandra Reddy,, Advocate [OPUC]**
- 4. Two CCs to Public Prosecutor, High Court of Andhra Pradesh [OUT]**
- 5. One spare copy**

HIGH COURT

BVLNC, J

DATED: 22/04/2026

**LIST THE MATTER IN THE MONTH OF AUGUST, 2026 IN USUAL
COURSE**

ORDER

**IA No. 1 OF 2026
IN
CRLA NO: 263 OF 2026**

I.A. NO.1 OF 2026 IS ORDERED

