

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

WEDNESDAY, THE TWENTY NINTH DAY OF APRIL,
TWO THOUSAND AND TWENTY SIX

:PRESENT:

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

IA No. 2 OF 2026

IN

CRLRC NO: 483 OF 2026

Between:

Ponnuswamy, S/o. Govindan, Aged 48 yrs, R/o. D.No. 337, Mullai Street,
Urgoundanur Village, Tiruvannamalai, Chennai, Tamil Nadu.

...Petitioner/Accused No.1

AND

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

...Respondent

Petition under Section 438(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.19.11.2024 passed in CrI.A.No.18 of 2022 on the file of the Special Court in the Cadre of Addl. District & Sessions Judge for Trial of Red Sanders Smuggling Cases, Tirupati confirming the judgment dated 07.08.2019 passed in S.C.No.301 of 2016 on the file of Principal Assistant Sessions Judge, Tirupati and release the petitioner/accused No.1 on bail, pending disposal of CRLRC No. 483 of 2026, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri D.Purnachandra Reddy, Advocate for the Petitioner and of Public Prosecutor for Respondent, The Court made the following



ORDER:

“The present interlocutory application was filed under Section 438 (1) of BNSS, 2023 by the petitioner to suspend the conviction and sentence dated 07.08.2019 passed in S.C.No.301 of 2016 on the file of learned Principal Assistant Sessions Judge, Tirupati, which was confirmed vide Judgment dated 19.11.2024 passed in Crl.A.No.18 of 2022 on the file of learned Judge, Special Court for trial of Cases relating to Red Sanders Smuggling, Tirupati and enlarge the petitioner/accused No.1 on bail, pending disposal of the main Criminal Revision Case.

The learned counsel for the petitioner submits that the petitioner has been in jail since 10.03.2026. Upon learning of the dismissal of the appeal, he voluntarily surrendered before the police and is presently undergoing the sentence of conviction. He would further submit that the petitioner is a poor coolie and is unable to pay the fine amount at this juncture. He therefore prays for suspension of the sentence, including the fine.

The learned Assistant Public Prosecutor takes notice on behalf of the respondent-State and submits that this Hon'ble Court may pass appropriate orders.

In view of the submissions made, the sentence of imprisonment alone is suspended, pending disposal of the Criminal Revision Case on the following conditions:

- i) Presently, the petitioner is undergoing sentence and has been lodged in Jail. The petitioner herein shall be enlarged on bail on his executing a bond for a sum of Rs.20,000/- (Rupees twenty thousand only) with two sureties for the like sum each to the

satisfaction of the learned V Additional Judicial Magistrate of I Class, Tirupati.

- ii) The petitioner shall appear before this Court as and when directed."

//TRUE COPY//

A

SD/- S.SHYAMALA
ASSISTANT REGISTRAR
SECTION OFFICER

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To,

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

PSD

HIGH COURT

DR.VJP,J

DATE:29/04/2026

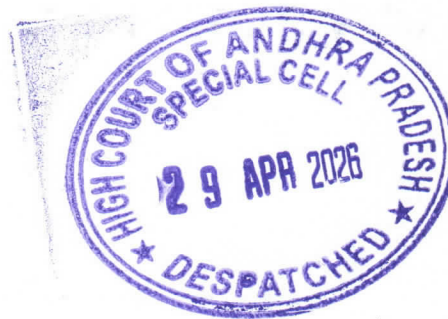
LIST THE MATTER AFTER SUMMER VACATION, 2026.

ORDER

I.A.NO.2 OF 2026

IN

CRLRC.No.483 of 2026



SUSPENSION