

APHC010289232026



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

[3520]

THURSDAY, THE ELEVENTH DAY OF JUNE
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

I.A.NO. 1 OF 2026

IN

CRIMINAL APPEAL NO: 368 OF 2026

Between:

- 1.S CHALAPATHI, S/O. VENKATASWAMY,AGED 45 YRS, R/O. P.VADDIPALLI,H/O. BODIVANDLAPALLI, Y.V.PALEM MANDAL,TIRUPATI DISTRICT.
- 2.B SUBRAMANYAM, , S/O. B. JAYANNA,AGED 21 YRS, R/O. O.S. GOLLAPALLI,H/O. YELLAMANDA, Y.V.PALEM MANDAL,TIRUPATI DISTRICT.

...APPELLANT(S)

AND

- 1.THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC PROSECUTOR,HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

...RESPONENT

Appeal under Section 372/374(2)/378(4) of Cr.P.C praying that the High Court may be pleased to Memorandum of Grounds of Criminal Appeal against the judgment dt. 21-05-2026 passed in RSS S.C.No. 249/2022 on the file of the Special court in the Cadre of Addl. District and Sessions Judge for Trial of Red Sanders Smuggling Cases, Tirupati

IA NO: 1 OF 2026

Petition under Section 151 CPC 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 21-05-2026 passed in RSS S.C.No. 249/2022 on the file of the Special Court in the Cadre of Addl. District and Sessions judge for Trial of Red Sanders Smuggling Cases, Tirupati, pending disposal of the above criminal appeal and pass

Counsel for the Appellant(S):

1.D PURNA CHANDRA REDDY

2.D PURNACHANDRA REDDY

Counsel for the Respondent:

1.PUBLIC PROSECUTOR

The Court made the following:

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA**I.A.NO. 1 OF 2026****IN****CRIMINAL APPEAL NO: 368 OF 2026****ORDER :-**

The Petitioners/ Appellants herein are the Accused No. 1 and 2 in RSS S.C.No.249 of 2022. They were convicted under Section 235(2) of Cr.P.C and sentenced to undergo rigorous imprisonment for a period of one year and sentenced to pay a fine of Rs. 10,000/- each for the offence under Rule 3 of A.P Sandal Wood & Red Sanders Wood Transit Rules, 1969 and Rule 3 of Red Sanders Wood Transit Rules, 1989 punishable under Section 29(4)(a)(i) of A.P Forest Act,1967 and in default of payment of fine the Accused No.1 and 2 shall undergo Simple Imprisonment for a period of three (03) months. Further, the Petitioners/Accused No.1 and 2 were sentenced to undergo Rigorous Imprisonment for a period of two (02) years and sentenced to pay a fine of Rs. 10,000/- each for the offence under Section 379 of IPC and in default of payment of fine the Accused No.1 and 2 shall undergo Simple Imprisonment for a period of three (03) months. Questioning the conviction and sentence they preferred the Appeal.

2. Heard learned counsel for the Petitioners/ Appellants and learned Assistant Public Prosecutor for the State.

3. Learned counsel for the Petitioners/ Appellants would submit that the Appellants have on bail during pendency of the case and sentenced imposed

is also suspended by the learned Trial Court. While answering a query as to issuance of Non Bailable Warrant, after pronouncement of Judgment for the purposes of imposing sentence, he would submit that they have surrendered even before the day fixed for hearing on conviction.

4. Upon considering the facts and circumstances and the right of Appeal of the Petitioners, the prayer for suspension of sentence alone found convincing. Hence, sentence alone is suspended and the relief of bail is granted to the petitioners on the following conditions:

i) Petitioners 1 and 2 / Appellants shall be enlarged on bail on each of them executing a bond for a sum of Rs. 25,000/- with two sureties for the like sum each to the satisfaction of the learned Additional District and Sessions Judge for Trial of Red Sanders Smuggling Cases, Tirupati.

ii) The Petitioners 1 and 2/ Appellants and their sureties shall furnish their permanent residential address details and identity particulars to the concerned police and keep the police informed about the change in address, if any, time to time.

iii) The Petitioners shall be available during the hearing of the Appeal, if necessary as directed.

5. Accordingly, I.A.No.1 of 2026 is allowed.

JUSTICE A. HARI HARANADHA SARMA

Date: 11.06.2026

KK/KS