

HIGH COURT OF ANDHRA PRADESH :: AMARAVATI**Main Case No: Crl.A.No.332 of 2022****PROCEEDING SHEET**

Sl. No.	Date	ORDER	OFFICE NOTE
12.	29.04.2026	<u>BVLNC,J</u> <u>I.A.No.02 of 2022</u> Heard Ms.R.Durga Latha Sri, learned counsel representing Sri K.V.Durga Divakar, learned counsel for the petitioner/appellant/convict and Sri C.Panini Somayaji, learned Additional Public Prosecutor representing the State. Petitioner is the sole accused in Sessions Case No.74/2019 on the file of the learned Special Judge for Trial of the Offences under the Protection of Children from Sexual Offences Act at Visakhapatnam. Learned counsel for the petitioner/appellant would submit that the petitioner was found guilty for the offence under Section 5(m) r/w 6 of POCSO Act, 2012 and Sections 342 and 506(2) IPC. Accordingly, he was convicted U/s.235(2) of Cr.P.C. and sentenced to undergo rigorous imprisonment for a period of ten (10) years and to pay a fine of Rs.1,000/- (Rupees One Thousand only), and in default, shall undergo simple imprisonment for a period of two (02) months for the offence under Section 5(m) r/w 6 of	Contd..

		POCSO Act, 2012. He was further sentenced to undergo simple imprisonment for a period of six (06) months for the offence under Section 342 of IPC. He was further sentenced to undergo simple imprisonment for a period of one (01) year for the offence under Section 506(2) of IPC. Learned counsel for the petitioner/appellant/accused would submit that learned trial Court erroneously convicted the petitioner without appreciating the facts in proper perspective. Hence, the petitioner preferred the appeal, challenging the judgment on various grounds. She would further submit that the appellant has already served eight (08) years of imprisonment out of ten (10) years of imprisonment, and there are fair chances to succeed in the appeal, and there is no possibility of hearing the appeal in the near future. Considering the same, the order of sentence of imprisonment imposed by the trial Court may be suspended, pending disposal of the appeal. Learned Additional Public Prosecutor opposed the application. However, no written objections filed. Learned Additional Public Prosecutor, basing on the nominal roll received from the prison authorities, would	Contd.,
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		submit that the appellant served nearly 8 years of imprisonment out of fixed sentence of ten (10) years. Considering the above facts and circumstances, as the appellant has served nearly eight (8) years of sentence out of ten (10) years of fixed sentence, and as there is no possibility of hearing the appeal in the near future, this Court is of the considered opinion that <i>“the order of sentence of imprisonment alone imposed by the learned Special Judge for Trial of the Offences under the Protection of Children from Sexual Offences Act at Visakhapatnam vide judgment dated 30.03.2022 in Sessions Case No.74/2019 against the petitioner/accused shall be suspended pending disposal of the appeal, and the appellant shall be released on bail, subject to the following conditions”:</i> i) The petitioner/appellant shall be enlarged on bail on executing a personal bond for Rs.20,000/- (Rupees Twenty Thousand only), with two (02) sureties for a like sum each, to the satisfaction of the learned trial Court. ii) The petitioner/appellant shall pay the fine amount before the trial Court	Contd.,
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		within four (04) weeks from the date of this order, if not paid and file the receipt before this Court. iii) On such release, the petitioner/appellant shall appear before the learned trial Court on every fourth Saturday of the month till disposal of the Appeal. iv) The petitioner/appellant shall not visit, intimidate, contact or annoy the victim or her family members in any manner. v) The petitioner/appellant shall not leave the country without permission of the Court. vi) If the petitioner/appellant violates any of the above conditions, the prosecution is at liberty to file an application seeking cancellation of bail. Accordingly, the application is ordered. BVLNC,J <u>Crl.A.No.332 of 2022</u> Heard. Admit the appeal. Call for Trial Court record. Registry is directed to prepare paper booklet, as soon as trial Court record is received. (Contd..)	
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