

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

THURSDAY, THE FOURTEENTH DAY OF AUGUST

TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE B V L N CHAKRAVARTHI

IA No. 1 OF 2025

IN

CRLA NO: 546 OF 2025



Between:

Rajana Hemanth, S/o Krishna, aged about 23 years, R/o D.No. 57-8-92/5, Gowrinagr, Near Post Office, Kancharapalem, Visakhapatnam City, Andhra Pradesh.

...Petitioner/Appellant

AND

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

...Respondent

Counsel for the Petitioner : SRI B.MADHU

Counsel for the Respondent : PUBLIC PROSECUTOR

Petition under Section 389(1) of CrP.C, 1973 & 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 the sentence passed in Sessions Case No. 52 of 2021, dated 18-07-2025 by the Special Sessions Judge For Trial Of Cases Under Scheduled Castes And Scheduled Tribes (Prevention Of Atrocities) Act, 1989 -Cum- XI Additional District Judge, Visakhapatnam, against the petitioner/Accused No. 5 for the offence punishable Under Section 323 of Indian Penal Code, Pending disposal of CRLA No. 546 of 2025, 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 learned counsel for the petitioner/appellant/convict and learned Assistant Public Prosecutor representing the State.

Learned counsel for the petitioner would submit that the petitioner/appellant/A5 preferred the appeal challenging the judgment dated 18.07.2025 in S.C.No.52 of 2021 on the file of the learned Special Judge for Trial of Cases under SC & ST (POA) Act-cum-XI Additional District Judge, Visakhapatnam.

The learned trial Court found the accused guilty for the offence punishable under Section 323 I.P.C. and sentenced to suffer rigorous imprisonment for a period of one (01) year and to pay a fine of Rs.1,000/- (Rupees five thousand only), in default to undergo simple imprisonment for two (02) months.

He would further submit that the petitioner/appellant/convict paid fine amount and receipt also filed in the grounds of appeal.

Learned counsel for the petitioner/convict would submit that the petitioner was enlarged on bail by the learned trial Court under Section 389(3) of Cr.P.C. corresponding to Section 430(3) of B.N.S.S. to enable him to prefer the appeal.

He would further submit that the learned trial Court erroneously found the accused guilty without assigning the facts, as well as law in proper perspective, and there is a fair chance to succeed in the appeal. Some time may take to hearing the appeal, meanwhile the sentence imposed by the learned trial Court may be suspended.

Learned Additional Public Prosecutor representing the State would submit that intimation was given to the complainant as required under Section 15A of the SC & ST (POA) Act. None appeared for the complainant.

Learned Additional Public Prosecutor opposed the application.

Upon hearing both sides and consideration of the above facts and circumstances, this Court is of the considered opinion that the order of sentence be suspended, till disposal of the appeal, subject to the same terms and conditions imposed by the learned trial Court.

Learned counsel for the petitioner would submit that the learned trial Court released the petitioner/accused on bail under Section 389(3) of Cr.P.C. corresponding to Section 430 (3) of B.N.S.S. for a period of thirty (30) days to enable him to prefer the appeal.

It is pertinent to note down that the appeal time, as per Article 115(b)(i) from any other sentence or any order not being an order of acquittal, appeal to the High Court, period of limitation is sixty (60) days from the date of sentence or order.

In the case on hand, the order of sentence was passed on 18.07.2025. Therefore, the trial Court ought to have been considered the above Article while enlarging the petitioner/A-5 on bail, to enable him to prefer the appeal. Therefore, granting of thirty (30) days time only for the petitioner to prefer the appeal is not in accordance with law.

Accordingly, this application is ordered."

//TRUE COPY//

SD/- P.VINOD KUMAR
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Special Sessions Judge For Trial Of Cases Under Scheduled Castes And Scheduled Tribes (Prevention Of Atrocities) Act, 1989 - Cum- XI Additional District Judge, Visakhapatnam.
2. One CC to SRI. B.MADHU Advocate [OPUC]
3. Two CCs to PUBLIC PROSECUTOR, High Court of Andhra Pradesh.[OUT]
4. **One spare copy**

ksr

HIGH COURT

BVLNC, J

DATED:14/08/2025

ORDER

List the matter in usual course.

IA NO.1 OF 2025

IN

CRLA.No.546 of 2025

DIRECTION

