

[3368]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

WEDNESDAY, THE THIRD DAY OF DECEMBER

TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE B V L N CHAKRAVARTHI



IA No. 1 OF 2025

IN

CRLA NO: 808 OF 2025

Between:

Seelam Mahesh, S/o. Bikshalu, age 23 years Caste Perikamuggulu, R/o. G. Konduru Village.

Appellant/Accused

AND

1. The State of Andhra Pradesh, rep., by its Public Prosecutor, High Court of Andhra Pradesh, Amaravati.
2. Mother of victim girl.

2nd Respondent/Defacto Complainant

Petition under Section 389 (1) of Cr.P.C 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 of the Judgment, dated 11.11.2025 made in S.C.No. 555 of 2022 on the file of Special Judge for Speedy Trial of offenses under Protection of Children from Sexual Offenses Act.: Machilipatnam, Pending disposal of CRLA No. 808 of 2025, on the file of the High Court.

Counsel for the Petitioner: SRI BABU RAO PANDIRI

Counsel for the Respondent No.1: ADDITIONAL PUBLIC PROSECUTOR

ORDER

Heard Sri Babu Rao Pandiri, learned counsel for the petitioner/appellant/convict and learned Additional Public Prosecutor representing the State.

The petitioner is the sole accused in Spl.S.C.No.555 of 2022 on the file of the learned Special Judge for Speedy Trial of Cases under the Protection of Children from Sexual Offences Act, 2012, Krishna at Machilipatnam. ✓

Learned counsel for the petitioner would submit that the petitioner/convict was found guilty for the offence punishable under Section 354-C of IPC and he was convicted and sentenced to suffer simple imprisonment for a period of one (01) year and to pay a fine of Rs.1,000/- (Rupees one thousand only) in default to suffer simple imprisonment for a period of one (01) month. ✓

Learned counsel for the petitioner/appellant would submit that the petitioner was enlarged on bail by the learned trial Court to enable him to file the appeal. ✓

Hence, the petitioner challenged the impugned judgment on various grounds. ✓

Learned counsel for the petitioner/appellant would further submit that the petitioner/appellant was on bail during the trial period and the petitioner paid the fine amount as ordered by the learned trial Court and filed original receipt along with the appeal grounds. ✓

The learned counsel for the petitioner/appellant would submit that the sentence imposed by the trial Court is only fixed sentence of one (01) year. The trial Court erroneously convicted the petitioner without appreciating the facts in proper perspective, and there is no likelihood of taking the appeal for hearing in the near future. In that view of the matter, the order of sentence imposed by the trial Court may be suspended, pending disposal of the appeal. ✓

Learned Additional Public Prosecutor opposed the present application, however, no written objections filed. ✓

Considering the above facts and circumstances, the sentence imposed by the trial Court is fixed sentence of one (01) year and there is no likelihood of taking the appeal for hearing in the near future, this Court is of the considered opinion that "the order of sentence imposed by the learned Special at Judge for Speedy Trial of Cases under the Protection of Children from Sexual Offences Act, 2012, Krishna at Machilipatnam, vide judgment dated 07.11.2025 passed in Spl.S.C.No.555 of 2022 be suspended subject to the same terms and conditions imposed by the learned Special Court in the application filed U/s.389(3) Cr.P.C. equivalent to section 430(3) of BNSS, 2023 in addition to the following conditions". ✓

i) The petitioner/appellant shall not leave the country without permission of the Court. ✓

ii) The petitioner/appellant shall not intimidate or annoy the victim or her family members in any manner. ✓

iii) If the petitioner/appellant violates any of the above conditions, the prosecution is at liberty to file an application seeking cancellation of the bail. ✓

Accordingly, this application is ordered. ✓

SD/- K. KASIRAO ACHARI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Special Judge for Speedy Trail of offenses under Protection of Children from Sexual Offenses Act, Machilipatnam.
2. One CC to SRI. BABU RAO PANDIRI, Advocate [OPUC]

3. Two CCs to PUBLIC PROSECUTOR, High Court of Andhra Pradesh
[OUT]

4. **One spare copy**

adp

HIGH COURT

BVLNC,J

DATED: 03/12/2025

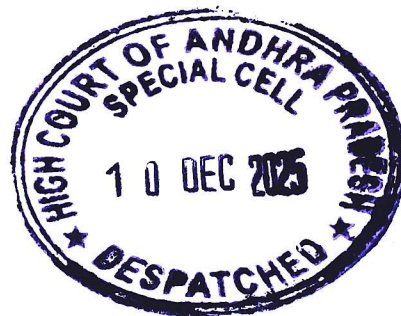
LIST THE MATTER IN THE THIRD WEEK OF FEBRUARY, 2026.

ORDER

IA No. 1 OF 2025

IN

CRLA NO: 808 OF 2025



I.A.NO.1 OF 2025 IS ORDERED