

THE HON'BLE SRI JUSTICE K.SREENIVASA REDDY

CRIMINAL REVISION CASE NO.293 of 2023

ORDER :

This Criminal Revision Case is preferred by the petitioner/accused No.1 to set aside the order, dated 15.3.2023 in CrI.M.P.No.2 of 2023 in Criminal Appeal No.49 of 2023 on the file of the Court of VI Additional District and Sessions Judge, Nellore, SPSR Nellore District.

2. The learned I Additional Assistant Sessions Judge, Nellore, by its judgment, dated 01.3.2023 in S.C.No.98 of 2018, convicted the petitioner/A1 for the offence punishable under Section 498-A IPC and she is sentenced to undergo Rigorous imprisonment for a period of three years and also to pay a fine of Rs.2,000/-, in default of payment of fine amount, she is sentenced to undergo simple imprisonment of three months. She is further sentenced to undergo Rigorous Imprisonment for a period of five (5) years and also to pay fine of

Rs.5,000/- for the offence punishable under Section 307 of IPC in default of payment of fine amount, she is sentenced to undergo simple imprisonment of three months. A1 is also sentenced to undergo Rigorous imprisonment for a period of five years and also pay fine of Rs.3,000/- for the offence punishable under Section 315 IPC, in default of payment of fine amount, she shall undergo simple imprisonment for a period of three months. All the sentences referred are ordered to run concurrently.

3. Against the said conviction and sentence, the petitioner herein CrI.A.No.49 of 2023 on the file of the VI Additional District and Sessions Judge, Nellore and made CrI.M.P.No.2 of 2023 therein, seeking suspension of sentence. The learned Sessions Judge, *vide* order dated 15.3.2023, in CrI.M.P.No.2 of 2023 in Criminal Appeal No.49 of 2023, dismissed the said petition stating that having regard to the gravity and nature of

the offence against the petitioner, it is not inclined to suspend the sentence and to the petitioner.

4. Learned counsel for the petitioner submits that except stating the above said fact there is no other reason given by the Appellate Court in refusing to grant bail to the petitioner, by suspending the sentence.

5. It is needless to mention here that when a statutory appeal has been filed, it will take considerable time to come up for hearing. The entire record from the trial Court has to be transmitted to the Appellate Court. It is pertinent to note that hearing of the Criminal Appeal would not come up, for hearing, in the near future.

6. In view of the aforesaid facts and circumstances of the case, Criminal Revision Case is allowed, setting aside the order dated 15.3.2023 in CrI.M.P.No.2 of 2023 in Criminal Appeal No.49 of 2023 on the file of the Court of the VI Additional District and Sessions Judge, Nellore, SPSR Nellore District. Consequently, CrI.M.P.No.2 of

2023 in Criminal Appeal No.49 of 2023, on the file of the Court of VI Additional District and Sessions Judge, Nellore, SPSR Nellore District, stands allowed. Sentence of imprisonment imposed by the trial Court against the petitioner/A1 alone is suspended pending disposal of the Criminal Appeal No.49 of 2023 on the file of the Court of VI Additional District and Sessions Judge, Nellore, SPSR Nellore District. The petitioner shall be enlarged on bail on her executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for the like sum each to the satisfaction of the Special Judicial Magistrate of First Class for Railways, Nellore.

As a sequel, all the pending miscellaneous applications shall stand closed.

K. SREENIVASA REDDY,J

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