

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

**WEDNESDAY, THE FIFTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY THREE**

:PRESENT:

THE HONOURABLE MS JUSTICE B S BHANUMATHI



IA No. 2 OF 2023

IN

CRLRC NO: 207 OF 2023

Between:

Guttula Eswarudu, S/o Sattiraju, Aged about 51 years, Employee, R/o Vemadri Village, Kadium Mandal, East Godavari District

...Petitioner/Appellant/Accused

AND

1. The State of Andhra Pradesh, Rep.by It's Public Prosecutor, High Court of A.P, Amaravathi.

...Respondent No.1

2. Tumma Raju, S/o Late Venkanna, Aged about 41 years, Cultivation, R/o Kadium Village and Mandal, East Godavari District

...Respondent No.2/Complainant

Petition under Section 397(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 enlarge the Petitioner/Accused on Bail, by suspending the Judgment passed in Criminal Appeal No 136 of 2023, Dt 09-03-2023, on the file of the court of the Family Court Cum IX Additional District And Sessions Judge, Rajamahendravaram, confirming the conviction and sentence imposed by Judgment in C.C No 339 of 2014, Dt 02-03-2017, on the file of the VII Additional Judicial Magistrate of First Class, Rajamahendravaram, pending disposal of CRLRC No.207 of 2023, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the memorandum of grounds filed in support thereof and upon hearing the arguments of Sri T V Jaggi Reddy, Advocate for the Petitioner and of Assistant Public Prosecutor for Respondent No.1, the court made following

ORDER:

"The petitioner/Accused is found guilty for the offence punishable under Section 138 and 142 of Negotiable Instruments Act, convicted and sentenced to undergo rigorous imprisonment for a period of six (6) months and directed to pay compensation of Rs.9,00,000/- (Rupees nine lakhs only) to the complainant and in default of payment of fine to undergo simple imprisonment for a period of two months, vide judgment, dated 02.03.2017, in C.C.No.339 of 2014 on the file of the Court of VII Additional Judicial First Class Magistrate, Rajamahendravaram.

The sentence imposed on the petitioner/accused is confirmed by first appellate Court, vide judgment, dated 09.03.2023, in Criminal Appeal No.136 of

2017 of the learned Judge, Family Court-cum-IX Additional District and Sessions Judge, East Godavari at Rajamahendravaram.

The petitioner is in Central Jail, Rajamahendravaram on confirmation of conviction in the appeal.

Heard learned counsel for the petitioner/Accused and the learned Assistant Public Prosecutor appearing for the 1st respondent – State.

Having regard to the facts & submissions and the issues raised in the grounds of revision, which require detailed examination, the substantive sentence of imprisonment alone imposed against the petitioner is suspended, pending final disposal of the revision, the petitioner shall be enlarged on bail on his executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty five thousand only) with two sureties for a like sum each to the satisfaction of the learned VI Additional Judicial Magistrate of First Class, Rajamahendravaram, East Godavari District and also on condition of his depositing 25% of the compensation amount within a period of eight (8) weeks from today. In default of deposit of compensation amount, as ordered supra, the interim suspension granted today, shall stand cancelled automatically without further reference to the Court.”

Sd/- B. PRASADA RAO
ASSISTANT REGISTRAR

//TRUE COPY//

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SECTION OFFICER

To,

1. The Family Court-Cum-IX Additional District & Sessions Judge, Rajamahendravaram, East Godavari District.
2. The VII Additional Judicial Magistrate of First Class, Rajamahendravaram, East Godavari District.
3. The Superintendent, Central Jail, Rajamahendravaram, East Godavari District
4. Tumma Raju, S/o Late Venkanna, R/o Kadium Village and Mandal, East Godavari District(**By RPAD**)
5. One CC to Sri. T V Jaggi Reddy, Advocate [OPUC]
6. Two CC to Public Prosecutor, High Court of AP [OUT]
7. One spare copy.

MSB



HIGH COURT

BSB,J

DATED:15/03/2023

BAIL ORDER

POST THE REVISION AFTER FOUR WEEKS

**IA NO.2 OF 2023
IN
CRLRC.No.207 of 2023**

INTERIM SUSPENSION

