

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI
MONDAY, THE TWENTY SEVENTH DAY OF MARCH
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE MS JUSTICE B S BHANUMATHI

IA No. 2 OF 2023

IN

CRLRC NO: 233 OF 2023



Between:

Sri Kandru Venkata Rama Rao, S/o Subba Rao, Aged 58 yrs , R/at 50-1-40/21, Flat No.8 Pent House, Iswarya Residency , ASR Nagar,
Seethammadhara Visakhapatnam.

...Petitioner/Appellant/Accused
(Petitioner in CRLRC 233 OF 2023
on the file of High Court)

AND

1. The State of Andhra Pradesh, Represented by its Public Prosecutor High Court at Amaravathi.
2. Sri Koganti Murali Krishna, S/o (Late) Venkata Subba Rao , Aged 53 yrs, D.No.49-37-8 1st Floor, N.G.O. Colony, Akkayyapalem, Visakhapatnam.

...Respondents/Respondent
/Complainant
(Respondents in-do-)

— Petition under Section 397 (1) of Cr.PC. is filed praying that in the circumstances stated in memorandum of grounds of criminal revision case, the High Court may be pleased to pass an Order to Suspend the Sentence of Imprisonment passed in C.C.No.52/2017 on the file of Special Magistrate Court III- Visakhapatnam dated 03-11-2017 an confirmed CrIA.No.601/2017 of First Additional Metropolitan Sessions Judge Visakhapatnam, pending disposal of CRLRC No.233 of 2023, on the file of the High Court.

— The petition coming on for hearing, upon perusing the Petition and memorandum of grounds of criminal revision case and upon hearing the arguments of Sri Ravuri Leela Sai Sampath, Advocate for the Petitioner and Public Prosecutor for the Respondent No.1, the Court made the following;

ORDER:

"The petitioner is found guilty for the offence punishable under Section 138 of the Negotiable Instruments Act, convicted and sentenced to undergo simple imprisonment for six months, vide judgment, dated 03.11.2017, in C.C.No.52 of 2017 on the file of the Court of the Special Magistrate-III, Visakhapatnam.

The appeal preferred by the petitioner/ accused is dismissed confirming the conviction and sentence passed against them, vide

judgment, dated 04.03.2023, in CrI.A.No.601 of 2017 of the learned I Additional Metropolitan Sessions Judge, Visakhapatnam.

Heard learned counsel for the petitioner/accused and learned Assistant Public Prosecutor appearing for the 1st respondent – State. Perused the material record.

Learned counsel for the petitioner submits that in view of the grounds urged in the revision, the petitioner has got fair chances of success in the revision. It is further submitted that the petitioner is out of jail.

Having regard to the facts & submissions and the issues raised in the grounds of revision, which require detailed examination, the execution of sentence passed against the petitioner is suspended, pending final disposal of the revision, and the petitioner, on surrender within three weeks from today, is directed to 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 in a like sum each to the satisfaction of the Special Magistrate-III, Visakhapatnam, and also on condition of his depositing 25% of the cheque amount within a period of eight (8) weeks from today. In default of deposit of cheque amount, as ordered supra, the interim suspension granted today, shall stand cancelled automatically without further reference to the Court."

Sd/- B. CHITTI JOSEPH
ASSISTANT REGISTRAR

//TRUE COPY//

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SECTION OFFICER

To,

1. The First Additional Metropolitan Sessions Judge Visakhapatnam
2. The Special Magistrate Court – III Visakhapatnam.
3. Sri Koganti Murali Krishna, S/o (Late) Venkata Subba Rao , D.No.49-37-8 1st Floor, N.G.O. Colony, Akkayyapalem, Visakhapatnam.(By RPAD)
4. One CC to Sri. Ravuri Leela Sai Sampath, Advocate [OPUC]
5. Two CCs to Public Prosecutor, High Court of AP [OUT]
6. One spare copy

MM



HIGH COURT

BSBJ

DATED:27/03/2023

NOTE: POST THE REVISION AFTER FOUR WEEKS

ORDER

**IA No. 2 OF 2023
IN
CRLRC NO: 233 OF 2023**

DIRECTION

