

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.12274 of 2015

ORDER:

This petition is filed under Section 482 Cr.P.C. challenging the orders dated 02.11.2015 passed in CrI.M.P.No.355 of 2015 in CrI.A.No.514 of 2015 on the file of the II Additional District and Sessions Judge, Guntur.

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor representing the State.

3. A perusal of the record reveals that the petitioner faced the trial in S.C.No.530 of 2012 on the file of the Assistant Sessions Judge, Bapatla for the offences punishable under Sections 376, 417 and 506 I.P.C. After full-fledged trial, the petitioner was found guilty for the offences punishable under Sections 376 and 417 I.P.C. The petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of seven years and also pay a fine of Rs.10,000/-, in default of payment of fine, he shall undergo simple imprisonment for one month for the offence punishable under Section 376 I.P.C. The petitioner/A.1 also found guilty for the offence punishable under Section 417 I.P.C. and sentenced to undergo simple imprisonment for three months and also pay a fine of Rs.1,000/-, in default of payment of fine, he shall undergo simple imprisonment for ten days.

4. Feeling aggrieved by the conviction and sentence imposed against the petitioner, he filed CrI.A.No.514 of 2015 on the file of the II Additional District and Sessions Judge, Guntur. The petitioner also filed CrI.M.P.No.355 of 2015 in CrI.A.No.514 of 2015 for suspension of the sentence imposed against him. The trial Court, after hearing both sides, dismissed the petition. Feeling aggrieved by the same, the petitioner filed the present petition.

5. The learned Public Prosecutor submitted that except S.C.No.530 of 2012, the petitioner is not facing trial in any other criminal case.

6. The learned counsel for the petitioner submitted that the petitioner has already paid the fine amount. He further submitted that the petitioner was on bail during pendency of S.C.No.530 of 2012.

7. It may not be possible to dispose of CrI.A.No.514 of 2015 within a short period. It is not the case of the prosecution that if the sentences are suspended, the petitioner may not appear before the appellate Court. While deciding the petitions of this nature, the approach of the Court shall be pragmatic and not pedantic. The Court has to keep in mind the personal liberty of individuals while disposing of petitions of this nature. There are grounds much less valid grounds to set aside the orders dated 02.11.2015 passed in CrI.M.P.No.355 of 2015 in CrI.A.No.514 of 2015.

8. In the result, the Criminal Petition is allowed setting aside the orders dated 02.11.2015 passed in CrI.M.P.No.355 of 2015 in CrI.A.No.514 of 2015 and suspending the sentence imposed against the petitioner/A.1 in S.C.No.530 of 2012 on condition that the petitioner shall execute a self bond for Rs.20,000/- (Rupees Twenty Thousand only) with two sureties for a like sum each to the satisfaction of the trial Court i.e., Assistant Sessions Judge, Bapatla.

9. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 26.11.2015

Note: Issue CC by 27.11.2015

(B/o)

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