

HIGH COURT FOR THE STATE OF TELANGANA: HYDERABAD

MAIN CASE NO: **Criminal Appeal No.279 of 2024**

PROCEEDING SHEET

SL. NO	DATE	ORDER	OFFICE NOTE
01.	03.06.2024	<u>NTR,J</u> <u>I.A.No.1 of 2024</u> This application is filed to condone the delay of 178 days in filing the appeal. Heard Sri Rajesh Kumar Dantala, Legal Aid counsel for the petitioner/appellant/accused No.2. Learned counsel submits that the petitioner was convicted for the offence under Section 201 of IPC in SC No.456 of 2022 (old SC No.204 of 2019) on the file of the Principal Sessions Judge, Hanmakonda and sentenced to undergo simple imprisonment for a period of six months. Learned counsel for the petitioner further submits that due to health infirmities, the petitioner/appellant was not taken into custody, as such, he is not serving the sentence. Learned counsel for the petitioner further submits that the delay is only due to health condition of the petitioner and he pointed out in page No.64 of the appeal file to show the present condition of the petitioner and prayed for condonation of delay in filing the present appeal.	

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		Learned Additional Public Prosecutor reported no objection. Having regard to the submissions made by learned counsel for the petitioner and the age, health situation of the petitioner, the explanation offered for delay in filing the appeal is found convinced. Accordingly, the delay of 178 days in filing the appeal is condoned. <u>IA No.02 of 2024</u> This application is filed by the petitioner/appellant/accused No.2 under Section 389 (1) of Cr.P.C seeking suspension of sentence passed in Judgment dated 25.07.2022 in SC No.456 of 2022 (old SC No.204 of 2019) by the Principal Sessions Judge, Hanmakonda. In the impugned Judgment, the petitioner was convicted for the offence under Section 201 of IPC and sentenced to undergo simple imprisonment for a period of six months. Learned counsel for the petitioner would submit that the petitioner is aged about 64 years suffering from severe old age ailments and hospitalized, he could not surrender for serving sentence. More than that, he got good grounds to defend his case in appeal. Further, the petitioner was on bail during the proceedings before the	

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		trial Court, thus prayed for suspension of sentence during pending the appeal. Learned Additional Public Prosecutor opposed the petition and submits that the petitioner has not honoured either the Judgment of conviction or approached the Court in appeal on time, hence, there is no good ground for considering suspension of sentence application. Perused the material available on record. Having regard to the age, health condition of the petitioner and the <i>prima-facie</i> case, suspending the sentence, pending the appeal is found proper. Accordingly, this petition is allowed and the impugned sentence is suspended subject to execution of the personal bond by the petitioner for Rs.5,000/- (Rupees Five Thousand) with one surety for a like sum to the satisfaction of the Principal Sessions Judge, Hanmakonda. <u>Crl.A.No.279 of 2024</u> Admit. Call for the copies of trial Court record. The Registry is directed to prepare paper book. List this matter on 08.07.2024 under the caption for 'hearing'. _____ NTR,J pld	

