

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**WEDNESDAY, THE FOURTEENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

CRIMINAL APPEAL NO: 1619 OF 2018

Criminal Appeal Under Section 374(2) of Cr.P.C against the Judgment made in C.C.No.142/2016, Dt.08-05-2018 on the file of the Court of the Special Judge, for Economic Offences, at Hyderabad.

Between :

Gangula Malleswari, R/o.H.No.2/180, Raja Reddy Street, Kadapa, YSR District, Andhra Pradesh.

...Appellant/Accused

AND

The State of Telangana, Rep by its Special Public Prosecutor, High Court Bldgs, Hyderabad, the Assistant Commissioner (Prosecution), Customs Commissionerate, Hyderabad.

...Respondent/Complainant

IA NO: 1 OF 2023

Petition under Section 482 CrPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the lower court i.e., Special Judge for Economic Offences Court, Hyderabad to return the Pass-port for interim custody bearing No.M5180824 for a period of One Year in the interests of justice.

Counsel for the Appellant : Sri B.Venu Kumar

Counsel for the Respondents : Sri A.Rama Krishna Reddy, (SC For CBEC)

The Court made the following : ORDER

THE HONOURABLE SRI JUSTICE E.V.VENUGOPAL

CRIMINAL APPEAL No.1619 OF 2018

JUDGMENT:

The present Criminal Appeal is filed aggrieved by the judgment dated 08.05.2018 in C.C.No.142 of 2016 on the file of the learned Special Judge for Economic Offences-cum-VIII Additional Metropolitan Sessions Judge, Hyderabad (for short, "the trial Court").

2. Heard learned counsel for the appellant/accused and Mr. A. Rama Krishna Reddy, learned Standing Counsel for Central Board of Excise and Customs (CBEC). Perused the record.

3. The brief facts of the case are that on 12.11.2015 at Rajiv Gandhi International Airport (RGIA), Shamshabad, Hyderabad, the officers of the Customs intercepted the accused, who arrived by flight No.TG 329 from Bangkok to Hyderabad and on suspicion, the officers made the accused pass through the door frame metal detector, and found that the accused was in possession of 10 gold bars weighing 4600 grams in total valued at Rs.1,20,52,000/- (Rupees

One crore twenty lakhs fifty two thousand only). The accused was not in possession of any valid permit/license/document issued by the competent authority for legal import of 10 gold bars weighing 4600 grams. Since the accused attempted to smuggle the gold against the restrictions imposed by law, by concealing them in her clothes, without declaring them in the customs declaration form, she rendered herself liable for the offences punishable under Sections 132 and 135 (1) (a) and (b) of Customs Act, 1962. On the basis of the allegations contained in the complaint and the documents filed in support of it, the trial Court took cognizance of the case for the offence punishable under Section 135 of Customs Act, 1962 against the accused on 24.06.2016 and issued summons.

4. The accused was examined under Section 239 of Cr.P.C and she denied the offence. The learned trial Court framed charges against the accused for the offences punishable under Sections 132 and 135(1)(i)(A) of Customs Act, 1962 read over and explained to her in the language

known to her, for which she pleaded not guilty and claimed to be tried. During the course of inquiry, the prosecution examined PWs.1 to 6 and marked Exs.P1 to P8 before framing charges.

5. Upon careful scrutiny of oral and documentary evidence on record, the trial Court vide judgment dated 08.05.2018 in C.C.No.142 of 2016 found the accused guilty for the offences punishable under Sections 132 and 135(1)(i)(A) of Customs Act, 1962 and accordingly, convicted and sentenced her to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.10,000/- (Rupees Ten thousand only) and in default of payment of fine amount, to undergo simple imprisonment for a period of three (3) months for the offence punishable under Section 135(1)(i)(A) of Customs Act, 1962 and she is also sentenced to pay fine of Rs.10,000/- (Rupees Ten thousand only) and in default of payment of fine amount and also sentenced her to undergo simple imprisonment for a period of three (3) months for the offence punishable under Section 132 of

Customs Act, 1962. Aggrieved thereby, the accused has preferred the present Criminal Appeal.

6. Learned counsel for the appellant submitted that the trial Court failed to appreciate the evidence available on record in proper perspective and passed the impugned judgment. Therefore, he seeks to set aside the impugned judgment.

7. Learned Standing Counsel opposed the same and contended that the trial Court upon appreciating the oral and documentary evidence available on record in right perspective passed the impugned judgment and interference of this Court is unwarranted. Therefore, he seeks to dismiss the Criminal Appeal.

8. A perusal of the record shows that this Court vide order dated 11.06.2018 granted interim suspension of the judgment passed by the trial Court till disposal of the Appeal and the appellant is enlarged on bail on her executing bond for a sum of Rs.25,000/- (Rupees Twenty five thousand only) with two sureties for the likesum each on the same terms and conditions as imposed by the trial

Court while suspending the sentence. Thereafter, the matter underwent several adjournments.

9. In the case on hand, the trial Court held that the accused was guilty of the offence punishable under Sections 132 and 135(1)(i)(A) of Customs Act, 1962 and there are no grounds, much less valid grounds, to interfere with the well considered judgment of the trial Court and hence, this Appeal is liable to be dismissed.

10. However, having regard to the mental agony suffered by the appellant/accused by roaming around the trial Court, this Court deems it appropriate to reduce the sentence imposed against the appellant from one (1) year Rigorous Imprisonment to six (6) months Simple Imprisonment by duly setting off the period of imprisonment already undergone by her.

11. Except the above modification, in all other aspects, the Criminal Appeal stands dismissed.

Miscellaneous Petitions, pending if any, shall stand closed.

Sd/- K. SAILESHI
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

- To,
1. The Special Judge, for Economic Offences, at Hyderabad (with records, if any)
 2. One CC to Sri B.Venu Kumar, Advocate [OPUC]
 3. One CC to Sri A.Rama Krishna Reddy, (SC for CBEC), Advocate [OPUC]
 4. Two Cd Copies

Svs'gh

Pr

HIGH COURT

DATED:14/08/2024

ORDER

CRLA.No.1619 of 2018



DISMISSING THE CRLA

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