IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

FRIDAY, THE FOURTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

HONOURABLE SRI JUSTICE B V L N CHAKRAVARTHI

CRIMINAL PETITION No.1518 of 2025

Between:

Pitani Naga Satish, S/o. Nagabhushanam, aged 42 years, PB.No.8, Opp. Head Post office, Tadepalligudem, West Godavari District.

...Petitioner/Appellant/Accused

AND

1. The State, Rep. by Public Prosecutor, High Court of Andhra Pradesh, Amaravati.
2. P. Srinivas, S/o. Krishnayya, aged 50 years, H.No.1-46, Nallakulavaripalem, Peravali Mandal, West Godavari District.
3. The State, represented by its Additional Public Prosecutor, Tanuku, West Godavari District.

...Respondents/ Respondents/Complainants

Petition under Section 528 of BNSS Act praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to Modify or set aside the order dated 21-01-2025 passed in Crl.M.P.No.917/2024 in Crl.A.No.795/2023 on the file of IV Additional Sessions Judge, Tanuku, West Godavari District to the extent of "imposing a condition to deposit 20% of the compensation amount before

the trial court till 23-02-2025 in the light of Hon'ble Apex Court judgment reported in 2024 INSC 1046 Muskan Enterprises and another v State of Punjab and another and judgment rendered in Crl.P.No.7676/2024, dated 06-01-2025 by this Hon'ble Court.

I.A. NO: 1 OF 2025

Petition under Section 528 of BNSS Act praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to stay the order dated 21-01-2025 passed in Crl.M.P.No.917/2024 in Crl.A.No.795/2023 on the file of IV Additional Sessions Judge, Tanuku, West Godavari District to the extent of "imposing a condition to deposit 20% of the compensation amount before the trial court till 23-02-2026; pending disposal of the above Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri K.K. Durga Prasad, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent Nos.1 & 3 and None Appeared for the Respondent No.2.

The Court made the following:

APHC010070512025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3368]**
(Special Original Jurisdiction)

FRIDAY, THE FOURTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE B V L N CHAKRAVARTHI

CRIMINAL PETITION NO: 1518/2025

Between:

1. PITANI NAGA SATISH, S/O. NAGABHUSHANAM. AGED 42 YEARS, PB.NO.8, OPPHEAD POST OFFICE, TADEPALLIGUDEM, WEST GODAVARI DIST.

...PETITIONER/ACCUSED

AND

1. THE STATE, REP. BY PUBLIC PROSECUTOR, HIGH COURT OF ANDHRA PRADESH, AMARAVATI.

2. P SRINIVAS, S/O. KRISHNAYYA, AGED 50 YEARS, H.NO.1-46, NALLAKULAVARIPALEM, PERAVALI MANDAL, WEST GODAVARI DISTRICT.

3. THE STATE, REPRESENTED BY ITS ADDL. PUBLIC PROSECUTOR, TANUKU, WEST GODAVARI DISTRICT.

...RESPONDENT/COMPLAINANT(S):

Counsel for the Petitioner/accused:

1. K K DURGA PRASAD

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR

The Court made the following:

THE HONOURABLE SRI JUSTICE B.V.L.N.CHAKRAVARTHI

CRIMINAL PETITION NO.1518 OF 2025

ORDER:

This Criminal Petition is filed by the petitioner/accused under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to modify or set aside the order dated 21.01.2025 passed in Crl.M.P.No.917 of 2024 in Crl.A.No.233 of 2024 on the file of the learned IV Additional Sessions Judge, Tanuku, West Godavari District.

2. Heard Sri K.K.Durga Prasad, learned counsel for the petitioner.

3. Learned Additional Public Prosecutor representing the State takes notice for the State/respondent.

4. This petition is filed challenge the order dated 21.01.2025 in Crl.M.P.No.917 of 2024 in Crl.A.No.233 of 2024 on the file of the learned IV Additional Sessions Judge, Tanuku, West Godavari District under Section 430 of BNSS to suspend the judgment dated 18.10.2024 in C.C.No.795 of 2023 on the file of learned I Addl.Junior Civil Judge-cum-I Addl.Judl.Magistrate of First Class at Tanuku. The learned Magistrate under the impugned judgment convicted the accused/petitioner and sentenced him to undergo simple imprisonment for a period of

one year and to pay fine of Rs.4,62,000/- and awarded the entire fine amount as compensation to the complainant. Thereupon, the petitioner preferred Crl.A.No.233 of 2024 challenging the Judgment of the learned Magistrate and filed the impugned petition under Section 430 of BNSS to suspend the sentence pending appeal. The learned Sessions Judge *vide* order dated 21.01.2025 ordered suspension of sentence on the condition of depositing 20% of the cheque amount on or before 23.02.2025.

5. The contention of the petitioner is that he is not in a position to deposit 20% of the amount, as presently he has no avocation, since he was terminated from service.

6. Considering the facts and circumstances of the case and in view of the judgment of the Hon'ble Apex Court in the case of **Jamboo Bhandari Vs. M.P.State Industrial Development Corporation Limited and Others**[1], this Court is of the considered opinion that the condition imposed by the learned Sessions Judge to deposit 20% of the cheque amount requires modification. Accordingly, the said condition is modified, directing the petitioner to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) within four (04) weeks from the dated of this order, instead of 20% of the cheque amount as ordered by the learned Sessions Judge.

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[1] **2023 LiveLaw (SC) 776**

7. Accordingly, the criminal petition is allowed by modifying the order of the learned Sessions Judge that instead of 20% ordered by the learned Sessions Judge, petitioner is directed to deposit Rs.50,000/- (Rupees Fifty Thousand only) within four (04) weeks from the date of this order before the learned trial Court. Till then, the sentence imposed by the learned trial Court stands suspended. If the petitioner/accused fails to deposit Rs.50,000/- (Rupees Fifty Thousand only) before the learned trial Court as directed above, the Criminal Petition stands dismissed without recourse to the Court.

8. Accordingly, the Criminal Petition is disposed of at the stage of admission.

As a sequel, interlocutory applications pending, if any, shall stand closed.

Sd/- N NAGAMMA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The IV Additional Sessions Judge, Tanuku, West Godavari District
2. Two CCs to the Public Prosecutor, High Court of Andhra Pradesh, Amaravathi [OUT]
3. One CC to Sri K K Durga Prasad, Advocate [OPUC]
4. **Three CD Copies**

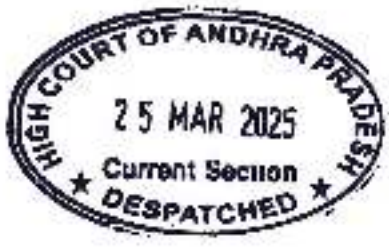
TK
sree

HIGH COURT

DATED:14/02/2025

ORDER

CRLP.No.1518 of 2025



DISPOSING OF THE CRIMINAL PETITION