

HIGH COURT FOR THE STATE OF TELANGANA : HYDERABAD

MAIN CASE NO: CrI. Appeal No.448 of 2024

PROCEEDING SHEET

SL. NO	DATE	ORDER	OFFI CE NOTE
03.	19.03.2025	<u>JSR,J</u> <u>I.A.No.3 of 2024</u> <u>And</u> <u>I.A.No.1 of 2025</u> I.A.No.3 of 2024 is filed seeking to waive of the payment of fine amount of Rs.1,00,000/- while suspending the sentence passed by the learned Spl. Sessions Judge for trial of Cases under the Narcotic Drugs and Psychotropic Substances Act, 1985-cum-I Additional Sessions Judge at Khammam (for short 'the trial Court') in S.C.NDPS No.8 of 2020, dated 05.11.2021 pending disposal of the Criminal Appeal. I.A.No.1 of 2025 is filed to modify the condition imposed while granting bail vide order dated 2.8.2024 passed in I.A.No.4 of 2024. Heard Mr.Srinivasa Srikanth, learned counsel for the petitioner and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent-State. Learned counsel for the petitioner submitted that the petitioner/A5 was found guilty for the offence under Section 8(c) read with Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985, convicted under Section 235(2) Cr.P.C. Contd.....	

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		Contd.... and sentenced to undergo rigorous imprisonment for a period of ten years and to pay a fine of Rs.1,00,000/- and in default of payment of fine, he shall undergo rigorous imprisonment for a period of six months. Aggrieved by the said judgment, the petitioner filed the present appeal. He further submitted that this Court while admitting the Criminal Appeal, granted interim suspension in I.A.No.4 of 2024 suspending the operation of the impugned judgment dated 05.11.2021 in S.C. NDPS No.8 of 2020 and granted bail to the petitioner on his executing a personal bond for Rs.20,000/- with two sureties for the like sum each to the satisfaction of the trial Court. He further submitted that the petitioner is below poverty line and legal aid counsel was engaged to file this Appeal and therefore, he is not having any means to comply the said condition and to pay the fine amount of Rs.1,00,000/- pursuant to the judgment of the trial Court. He further submitted that along with the Appeal, the petitioner filed I.A.No.3 of 2024 seeking to waive of the payment of fine amount. However, the said application was not brought to the notice of the Court while admitting the Appeal. Unless the fine amount is waived and the condition of executing a personal bond for Rs.20,000/- with two Contd....	

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		Contd... sureties for the like sum each to the satisfaction of the trial Court are relaxed, the petitioner will be put to great irreparable loss and hardship. He also submitted that the petitioner is ready to execute a personal bond for a sum of Rs.20,000/- and on such execution, the Superintendent, Central Prison, Chanchalguda may be directed to release the petitioner/A5. In support of his contention, he relied upon the order passed by the Division Bench of this Court in “Konka Madhavi @ Bhagavathi vs. The State of Telangana’ (I.A.No.4 of 2023 in CrI.Appeal No.495 of 2023, dated 13.12.2023). Learned Addl. Public Prosecutor has not opposed for the same. Taking into consideration the peculiar facts and circumstances of the case, the impugned judgment passed by the trial Court dated 05.11.2021 in SC NDPS No.8 of 2020 directing the petitioner/A5 to pay a fine amount of Rs.1,00,000/- is suspended till the disposal of the Appeal. Further the condition imposed by this Court while granting bail to the petitioner/A5 to the extent that, he shall be released on bail on his executing a personal bond for Rs.20,000/- with two sureties for the like sum each to the satisfaction of the trial Court, is modified as under: Contd...	

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		Contd... “The Superintendent, Central Jail, Chanchalguda, Hyderabad, is directed to release the petitioner/A5 namely Danasari Mallesh @ Podium Mallesh S/o Veeraswami, aged about 35 years, occ: Coolie, R/o Ashok Nagar Colony, Bhadrachalam on bail on his executing a personal bond for Rs.20,000/- (Rupees Twenty Thousand only). However, during bail, the petitioner shall not indulge in any criminal case.” Accordingly, both the applications are ordered. <u>JSR,J</u> Note: Issue C.C. tomorrow. B/o pgp	