

HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.6479 of 2015

ORDER:

This petition is filed by the petitioner-accused seeking modification of order, dated 12.06.2015, passed in CrI.M.P. No.114 of 2015 in C.A. No.268 of 2015 by the XIII Additional Sessions Judge, Narasaraopet.

Heard and perused the material available on record.

The facts of the case, in brief, are that the petitioner was found guilty of the offence punishable under Section 138 of the Negotiable Instruments Act and was convicted and sentenced to undergo simple imprisonment for a period of one year and to pay a fine of Rs.3,00,000/- and in default to undergo simple imprisonment for six months vide order, dated 29.05.2015, in CC No.189 of 2013 passed by the Principal Judicial Magistrate of First Class, Narasaraopet. The petitioner preferred an appeal against the said judgment and while suspending the sentence and compensation, imposed by the learned Magistrate, the learned Sessions Judge imposed the following condition in CrI.M.P. No.114 of 2015 in C.A. No.268 of 2015 on 12.06.2015:

“In the result the petition is allowed, the substantive sentence and compensation imposed in C.C.189/2013, dt.29.05.2015 by PrI.Judicial Magistrate of First Class, Narasaraopet, are suspended till further orders, on petitioner depositing Rs.1,00,000/- within two weeks before court below, and also on his executing a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties for the like sum each, to the satisfaction of PrI.Judicial Magistrate of First Class, Narasaraopet.”

To relax the above said conditions, the present petition is filed.

The main grievance of the petitioner is that he has no means to deposit the amount as directed by the learned Sessions Judge and he is the only breadwinner in his family and his old aged parents and his family are depending upon him.

Considering the facts and circumstances of the case, this Court is inclined to pass the following order:

“The order, dated 12.06.2015, passed in CrI.MP No.114 of 2015 in C.A. No.268 of 2015, by the learned XIII Additional Sessions Judge, Narasaraopet, to the extent of directing the petitioner to deposit Rs.1,00,000/- (Rupees one lakh only) before the Court below, is hereby set aside. The remaining part of the order of the learned Sessions Judge is not interfered with.”

Accordingly, the Criminal Petition is disposed of.

RAJA ELANGO, J

July 14, 2015
KTL