

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2745 of 2015

ORDER:

This Criminal Revision Case is filed by the petitioner-accused under Sections 397 and 401 Cr.P.C., challenging the order, dated 13.10.2015 passed in Crl.M.P. No.138 of 2015 in Crl.A. No.321 of 2015 by the V Additional Sessions Judge, Tirupati.

Heard and perused the material available on record.

The petitioner was convicted and sentenced to undergo simple imprisonment for a period of one year and to pay a fine of Rs.5,000/- in default to suffer simple imprisonment for a period of three months for the offence punishable under Section 138 of the Negotiable Instruments Act, by the V Additional Judicial Magistrate of First Class, Tirupathi. Challenging the same, the petitioner preferred Crl.A. No.321 of 2015. He also filed Crl.M.P. No.138 of 2015 with a prayer to suspend the operation of sentence, pending disposal of the appeal, before the V Additional Sessions Judge, Tirupati. The learned Sessions Judge, while suspending the sentence imposed against the petitioner, imposed a condition that the petitioner shall pay Rs.40,000/- on or before 23.10.2015. Aggrieved over the same, the present revision is filed.

Considering the facts and circumstances of the case and after hearing the arguments of the learned counsel for both sides, this Court is inclined to pass the following order:

The condition of payment of Rs.40,000/- by the petitioner, imposed by the V Additional Sessions Judge, Tirupati, in Crl.M.P. No.138 of 2015 in Crl.A. No.315 of 2015 is hereby set aside. The other conditions in the said order shall remain unaltered.

With the above modification, the Criminal Revision Case is disposed of. Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO, J

November 17, 2015.

KTL

