

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.13186 of 2015

ORDER:

This Criminal Petition is filed by the petitioner seeking to relax the conditions imposed by the XIII Additional District & Sessions Judge, Ranga Reddy District, L.B. Nagar in CrI.M.P.No.78 of 2014 in CrI.A.No.539 of 2014.

The trial Court convicted the petitioner-accused for the offence under Section 138 of the Negotiable Instruments Act and sentenced him to undergo simple imprisonment for a period of one year and to pay a fine of Rs.11,10,000/- and in default of payment of fine, to undergo simple imprisonment for one month. The trial Court ordered that out of fine amount, a sum of Rs.11,00,000/- shall be paid to the complainant towards compensation. Aggrieved by the same, the petitioner-accused filed the above Criminal Appeal. Along with the appeal, he filed the above CrI.M.P. seeking to suspend the sentence. While suspending the sentence, the learned Sessions Judge directed the petitioner to deposit 15% of the compensation amount and to pay the unpaid fine of Rs.10,000/- before the trial Court, within 10 days. Aggrieved by the same, the petitioner filed this petition.

Heard and perused the material available on record.

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

“The order of the learned Sessions Judge directing the petitioner to deposit 15% of the compensation amount, which comes to Rs.1,65,000/- alone is set aside. Rest of the order impugned herein shall remain.”

With the above modification, the Criminal Petition is allowed.

JUSTICE RAJA ELANGO

Dated: 17.12.2015

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