

HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.6001 of 2015

ORDER:

This criminal petition, under section 482 of the Code of Criminal Procedure, is filed by the petitioner-Accused seeking to modify the order, dated 05.06.2015, passed in CrI.M.P. No.447 of 2015 in CrI.A. No.173 of 2015 by the III Additional District & Sessions Judge, Nellore, whereby the learned Sessions Judge, while suspending the sentence, imposed a condition that the petitioner shall deposit 5% of the compensation amount, as imposed by the trial Court.

Heard and perused the material available on record.

The petitioner is an accused in CC No.93 of 2014 before the I Additional Junior Civil Judge, Nellore, for the offence under Section 138 of the Negotiable Instruments Act. The trial Court convicted him for the said offence and accordingly sentenced him to undergo simple imprisonment for a period of three (3) months and also to pay Rs.1,20,000/- as compensation to the complainant. Aggrieved by the said judgment, the petitioner filed an appeal before the III Additional District and Sessions Judge, Nellore. He also filed an application in CrI.M.P. No.447 of 2015 for suspending the sentence and also payment of the fine amount. The learned Sessions Judge while suspending the sentence as well as payment of fine amount, imposed a condition that the petitioner shall deposit 5% of the fine amount within a period of two weeks from the date of that order. Challenging the same, the present petition is filed.

Learned counsel for the petitioner submitted that the petitioner is a poor person and he is not in a position to deposit 5% of the fine amount and hence, the impugned order may be modified.

Considering the facts and circumstances of the case, the order, dated 05.06.2015 passed in CrI.M.P.No.447 of 2015 by the III

Additional District & Sessions Judge, Nellore, is set aside, in so far as it relates to the condition of depositing 5% of the compensation amount and the remaining order is not interfered with.

Accordingly, the Criminal Petition is partly allowed.

RAJA ELANGO, J

July 06, 2015

KTL