

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1111 OF 2015

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ORDER:

This Criminal Revision Case is filed against order, dated 14.05.2015, passed in CrI.M.P.No.734 of 2015 in CrI.A. No.352 of 2015 by the III Additional Metropolitan Sessions Judge, Hyderabad.

The brief facts of the case are that the 2nd respondent – complainant filed CC No.119 of 2013 before the IV Special Magistrate, Hyderabad, against the petitioner – accused for the offence under Section 138 of the Negotiable Instruments Act (for short 'NI Act'). The learned trial Judge found the petitioner guilty of the offence under Section 138 NI Act, convicted and sentenced him to undergo rigorous imprisonment for a period of two years and shall pay compensation of Rs.15,42,937/-, within two months from the date of that order and in default to pay compensation, to undergo simple imprisonment for a period of six months. The petitioner preferred CrI.A. No.352 of 2015 before the III Metropolitan Sessions Judge, Hyderabad, against the order passed by the trial Court, along with CrI.M.P. No.734 of 2015 to suspend the sentence imposed by the trial Court. The learned Sessions Judge passed the following order:

“In the result, the petition is allowed suspending the execution of sentence of imprisonment of executing a personal bond for Rs.5,000/- (Rupees five thousand only) with two sureties for like sum to the satisfaction of the primary court and also shall deposit 1/10th of the awarded compensation within the stipulated time granted by the trial Court.”

Against the above order, the petitioner – accused preferred the present revision.

Heard and perused the material available on record.

Learned counsel for the petitioner submitted that the order passed by the learned Sessions Judge is contrary to law and the learned Sessions Judge, without taking into consideration the financial status of the petitioner, has passed the impugned order, and the petitioner is not in a position to deposit the amount as ordered by the appellate Court.

Considering the facts and circumstances of the case and also the submission of the learned counsel for the petitioner, this Court is inclined to pass the following order:

“The order passed by the III Additional Metropolitan Sessions Judge, Hyderabad, in CrI.M.P. No.734 of 2015 in CrI.A. No.352 of 2015, dated 14.05.2015, is hereby set aside in so far as it relates to the condition of petitioner depositing 1/10th of the compensation amount as awarded by the trial Court. The other conditions in the above said order shall remain unaltered.”

Accordingly, the Criminal Revision Case is allowed in part. The Miscellaneous petitions, pending if any, shall stand closed.

RAJA ELANGO, J

June 26, 2015.
KTL