

HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.8126 of 2015

ORDER:

This criminal petition is filed by the petitioner-Accused seeking to relax the conditions imposed in Crl.M.P. No.105 of 2015 in Crl.A. No.554 of 2015 on the file of XIII Additional District & Sessions Judge, Ranga Reddy District.

Heard and perused the material available on record.

Petitioner is an accused in CC No.199 of 2013 on the file of the VII Special Magistrate, Hasthinapuram, L.B. Nagar for the offence under Section 138 of the Negotiable Instruments Act. The trial Court convicted the petitioner for the said offence and sentenced him to undergo simple imprisonment for a period of six months and to pay a fine of Rs.1,60,000/- and in default to suffer simple imprisonment for a period of three months. Aggrieved over the same, the petitioner – accused preferred an appeal before the XIII Additional District & Sessions Judge, Ranga Reddy District. Along with the appeal, the petitioner – accused filed Crl.M.P. No.105 of 2015 also to suspend the operation of the judgment of the trial Court, upon which the appellate Court passed the following order:

“In view of the circumstances, I feel it is just to suspend the operation of sentence of imprisonment till the disposal of the appeal on the same terms and conditions imposed by the Trial Court and to the satisfaction of the learned VII Special Magistrate, Hasthinapuram and on further condition to deposit 12.5% of amount on the fine of Rs.1,60,000/- (Rupees one lakh sixty thousand only) which amounts to Rs.20,000/- in the lower court within 30 days and on condition if the appellant / accused does not appeal before the appellate Court for two consecutive dates of adjournment, suspension of sentence will be cancelled. Sentence is suspended accordingly till disposal of the appeal.”

Against the above order, the present petition is filed.

Having heard the arguments of both the learned counsel and also having regard to the facts and circumstances of the case, this Court is inclined to pass the following order:

“The order dated 15.07.2015 passed in CrI.M.P. No.105 of 2015 in CrI.A. No.554 of 2015 by the XIII Additional District & Sessions Judge, Ranga Reddy District, insofar as it relates to the condition of deposit of Rs.20,000/- and the other condition that in case the petitioner fails to appear before the appellate Court for two consecutive dates of adjournment, the order of suspension of sentence would be cancelled, is set aside. The other portion of the order shall remain unaltered.

The petitioner – accused is directed to appear before the appellate Court regularly and in its absence, the petitioner – accused shall be represented through its counsel.”

Accordingly, the Criminal Petition is disposed of.

RAJA ELANGO, J

August 24, 2015

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