

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.5163 of 2015

ORDER :

This Criminal Petition is filed by the Petitioner/ accused under Section 482 Cr.P.C seeking to modify the condition “to pay 1/4th of the compensation amount awarded by the lower Court” imposed in CrI.M.P. No.603 of 2015 in CrI.A.No.252 of 2015, dated 21.04.2015 on the file of III Additional Metropolitan Sessions Judge at Hyderabad.

2) Heard learned counsel for the petitioner/ accused No.2 as well as 1st respondent—State represented by learned public prosecutor. Proof of service of 2nd respondent filed. Though notice served to 2nd respondent failed to attend, hence taken as heard.

3) It is the contention of the learned counsel for the petitioner impugning the order of the learned Additional Sessions Judge passed on 21.04.2015 in CrI.M.P. No.603 of 2015 in CrI.A. No.252 of 2015 that 1/4th amount to be deposited out of Rs.20,75,000/- while awarding Rs.5,000/- as fine therefrom for the remaining as compensation to the complainant.

4) Heard and perused the expression of the Apex Court in ***Dilip S.Dahanukar v Kotak Mahindra Co. Ltd***^[1]. There, the Apex Court, for Rs.15,00,000/- compensation,

directed to pay Rs.1,00,000/- as fine and observed that it all depends upon the facts.

5) Having regard to the above, it is just to modify the order as '1/8th of the compensation amount' instead of '1/4th of the compensation amount'. The complainant is permitted to withdraw the same subject to furnishing modified security to pay on or before 21.09.2015 failing which, the impugned order of the lower Court holds good. It is needless to say any executing warrant pending against him for non-payment shall stand suspended.

6) Accordingly, the Criminal Petition is allowed.

7) Miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.24.08.2015

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Date: 24.08.2015

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[\[1\]](#) 2007 (6) SCC 528