

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.2350 OF 2015

ORDER:

This Criminal Revision Case is filed by the petitioner, under Sections 397 and 401 of the Code of Criminal Procedure, seeking to relax the condition imposed in CrI.A.M.P.173 of 2015 in CrI.A. No.206 of 2015 by the XVI Additional District & Sessions Judge, Nandigama, whereby the learned Sessions Judge confirmed the fine amount imposed against the petitioner by the Additional Judicial Magistrate of First Class, Nandiagama vide judgment, dated 20.08.2015 in CC No.218 of 2014.

Heard and perused the material available on record.

Petitioner is the accused in CC No.218 of 2014 for the offence punishable under Section 138 of the Negotiable Instruments Act. The trial Court imposed sentence of fine of Rs.72,000/- against the petitioner, out of which, a sum of Rs.70,000/- was directed to be paid to the complainant as compensation. Against the said order, the petitioner filed CrI.A. No.206 of 2015 and he also filed CrI.A.M.P. No.173 of 2015 to suspend the operation of payment of compensation amount of Rs.70,000/-. In the said application, the Appellate Court passed the following order on 23.09.2015:

“It is also submitted by the counsel for the petitioner/Appellant that the petitioner is procuring the money and he will deposit the fine amount. The petitioner has no other option except to deposit fine amount within the stipulated time as directed by the trial Court. If he failed to procure the fine compensation amount within the time granted by the trial Court, he can move the trial Court by filing appropriate application for extension of time, seeking payment of fine amount in installments. The petitioner shall file an application U/Sec.424 Cr.P.C. On filing of such application, the trial Court shall consider the same.”

Aggrieved by the above order, the petitioner filed the present revision.

Considering the arguments of both the learned counsel and in view of the fact that the main appeal is pending before the lower appellate

Court with regard to sentence of compensation, this Court is inclined to pass the following order:

“The order of payment of compensation of Rs.70,000/- is suspended till disposal of the criminal appeal and the petitioner is directed to execute a personal bond for a sum of Rs.5,000/- with one surety to the satisfaction of the appellate Court for his future appearance before the appellate Court.”

With the above modification, the Criminal Revision Case is disposed of. Miscellaneous petitions, pending if any, shall stand closed.

RAJA ELANGO, J

October 12, 2015
KTL