

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.3083 of 2015

ORDER:

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1. This Criminal Revision Case is filed by the petitioner-accused aggrieved by the order 4.12.2015 passed in CrI.M.P.No.2373 of 2015 in in C.A.No.403 of 2015 by the Principal District & Sessions Judge, Chittoor.

2. The petitioner was convicted and sentenced for the offence punishable under Section 138 of the Negotiable Instruments Act in C.C.No.142 of 2013 by the Special Judicial Magistrate of First Class, Prohibition and Excise Court, Chittoor, to pay a fine of Rs.5,000/- and also to pay compensation of Rs.6,50,000/- equivalent to cheque amount, within a period of two months, in default to suffer simple imprisonment for a period of six months. Aggrieved by the same, the petitioner-accused filed the above C.A.No.403 of 2015 and along with the same, he also filed the above CrI.M.P. seeking suspension of sentence. The learned Sessions Judge suspended the sentence of imprisonment and payment of compensation subject to the condition of the petitioner depositing 25% of the compensation amount, which comes to Rs.1,62,500/- on or before 30.12.2015. Aggrieved by the said condition, the petitioner filed this revision.

Heard and perused the material available on record.

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4. The main grievance of the petitioner is that since the appeal was filed against the conviction and sentence and the order of compensation, the imposition of such condition of payment of part of the compensation amount is not reasonable and therefore, the said condition may be relaxed.

5. Considering the facts and circumstances of the case and since the appeal is pending, the condition imposed by the learned Sessions Judge viz., condition of deposit of 25% compensation amount, is hereby set aside.

6. Accordingly, the Criminal Revision Case is disposed of. Consequently, Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 10.12.2015

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