

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.579 OF 2015

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ORDER:

This Criminal Revision Case is filed against order, dated 05.02.2015, passed in CrI.M.P.No.2071 of 2014 in C.A. No. nil/2014 by the District & Sessions Judge, Chittoor.

The brief facts of the case are that the 2nd respondent – complainant filed CC No.54 of 2013 before the Special Judicial Magistrate of First Class, Prohibition & Excise, Chittoor, 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 pay Rs.1,000/-, in default to undergo simple imprisonment for a period of six months and also to pay Rs.1,50,000/- to the complainant as compensation within a period of two months from the date of that order. The petitioner filed an appeal before the District & Sessions Judge, Chittoor against the order passed by the trial Court along with CrI.P. No.2071 of 2014 to condone the delay of 31 days in preferring the appeal. The learned Sessions Judge allowed the application on payment of costs of Rs.100/- and also on condition of petitioner depositing the compensation amount of Rs.1,50,000/-, as awarded by the trial Court, within seven days from the date of that order. Aggrieved over the condition of depositing the entire compensation amount, this revision is filed.

Learned counsel for the petitioner submitted that the order passed by the learned Sessions Judge is contrary to law and if the compensation amount, as ordered by the trial Court, is deposited, the very purpose of preferring the appeal will be defeated.

Considering the facts and circumstances of the case and also

after perusing the orders passed by the Courts below, this Court is of the view that the condition of petitioner depositing the entire compensation amount cannot be sustained in law. Therefore, this Court is of the view that the criminal revision case can be allowed in part, with the following directions:

- i. The order dated 05.02.2015, passed by the learned District & Sessions Judge, Chittoor in CrI.M.P. No.2071 of 2014 in C.A. No. nil/2014 is set aside insofar as it relates to deposit of the compensation amount of Rs.1,50,000/- by the petitioner and the other conditions remain unaltered.
- ii. Further, the learned District & Sessions Judge, Chittoor is directed to hear the matter and pass orders on the merits of the case.

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

RAJA ELANGO, J

June 22, 2015.
KTL