

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2761 of 2015

ORDER:

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1. This Criminal Revision Case is filed by the petitioner-accused aggrieved by the order 18.9.2015 passed in CrI.M.P.No.152 of 2015 in CrI.M.P.No.108 of 2015 in CrI.A.No.582 of 2015 by the XIII Additional District & Sessions Judge, Ranga Reddy District at L.B. Nagar.

2. The petitioner was convicted and sentenced for the offence punishable under Section 138 of the Negotiable Instruments Act in C.C.No.108 of 2014 on the file of the VIII Special Magistrate, L.B. Nagar at Hasthinapur, Ranga Reddy District, to undergo simple imprisonment for a period of one year and to pay Rs.2,50,000/- to the complainant towards compensation under Section 357(3) Cr.P.C after expiry of appeal period, in default to suffer simple imprisonment for a period of six months. Against the said conviction and sentence, the petitioner filed Criminal Appeal No.582 of 2015 before the learned XIII Additional District & Sessions Judge, Ranga Reddy District, L.B. Nagar. Along with the appeal, the petitioner also filed CrI.M.P.No.108 of 2015 seeking suspension of the sentence imposed by the trial Court. The learned Sessions Judge suspended the sentence till disposal of the appeal on the same terms and conditions imposed by the trial Court and further on condition of the petitioner depositing 1/4th of the compensation amount viz., Rs.62,500/- out of Rs.2,50,000/- compensation ordered by the trial Court, and to execute a personal bond for a sum of Rs.5,000/- with two sureties for the like sum each. Subsequently, the petitioner filed the impugned application to permit him to deposit the fine amount after disposal of the Criminal Appeal. But the learned Additional Sessions Judge extended the time to pay fine amount till 20.10.2015. Aggrieved by the said order, the petitioner filed this revision.

3. Heard and perused the material available on record.

4. The main grievance of the petitioner is that since the appeal was filed against the conviction and sentence of imprisonment 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, this Criminal Revision Case is disposed of with the following direction:

“The condition imposed by the learned XIII Additional District & Sessions Judge, Ranga Reddy District at L.B. Nagar, directing the petitioner to pay 1/4th of the compensation amount viz., Rs.62,500/- out of the compensation amount of Rs.2,50,000/- ordered by the trial Court is hereby set aside. Rest of the conditions imposed by the learned Additional Sessions Judge on 16.7.2015 while suspending the sentence, shall remain. The learned Additional Sessions Judge is directed to dispose of the appeal in accordance with law, without insisting the petitioner to pay the fine or compensation amount ordered by the trial Court.”

Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 18.11.2015

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18.11.2015

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