

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.12316 OF 2015

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ORDER:

This Criminal Petition is filed by the petitioners- A1 and A2, under Section 482 of the Code of Criminal Procedure, seeking to modify the order, dated 19.10.2015, passed in CrI.A.M.P.162 of 2015 in CrI.A. No.931 of 2015 by the XIII Additional District & Sessions Judge, Ranga Reddy District.

Heard and perused the material available on record.

Petitioners are accused Nos.1 and 2 in CC No.278 of 2014, for the offence punishable under Section 138 of the Negotiable Instruments Act. They were convicted and sentenced to undergo rigorous imprisonment for one year and also to pay Rs.25,00,000/- in two installments to the de facto complainant as compensation, in default to suffer simple imprisonment for six (6) months, vide judgment, dated 14.09.2015, by the II Special Metropolitan Magistrate, Rajendranagar, R.R. District. Challenging the said judgment, the petitioners filed CrI.A.No.931 of 2015 before the XIII Additional District & Sessions Judge, Ranga Reddy District. They also filed CrI.MP No.162 of 2015 seeking to suspend the operation of the judgment passed by the trial Court. The learned Sessions Judge, while suspending the operation of the judgment of the trial Court, directed the petitioners to deposit 15% of the compensation amount, which amounts to Rs.3,75,000/- within one month. Aggrieved over the same, the present petition is filed.

Considering the arguments of both the learned counsel and in view of the fact that the main appeal is pending before the Sessions Court with regard to sentence of imprisonment and payment of compensation, this Court is inclined to pass the following order:

“The order of the XIII Additional District & Sessions Judge, Ranga Reddy District, to the extent of payment of 15% on the cheque amount of Rs.25,00,000/- which amount to Rs.3,75,000/- 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 for the like sum to the satisfaction of the appellate Court for his future appearance before the appellate Court.”

With the above modification, the Criminal Petition is disposed of.

RAJA ELANGO, J

December 01, 2015

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