

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.2090 of 2015

ORDER:

This criminal petition is filed under Section 389(1) Cr.P.C. seeking relaxation of the condition imposed in the order dated 02.03.2015 passed in CrI.M.P.No.443 of 2015 in CrI.A.No.148 of 2015 on the file of the III Additional Metropolitan Sessions Judge, Hyderabad, wherein the petitioner was directed to pay 1/4th of the compensation amount awarded by the trial Court, pending appeal.

The 2nd respondent herein filed a private complaint against the petitioner under Section 138 of Negotiable Instruments Act, which was taken on file as C.C.No.551 of 2013 on the file of XXIII Special Magistrate, Hyderabad. By his judgment dated 06.02.2015, the learned Magistrate convicted the petitioner and sentenced him to undergo simple imprisonment for one year and to pay compensation of Rs.8,00,000/-. Out of the same, Rs.7,90,000/- was directed to be paid to PW.1 under Section 357 (3) Cr.P.C. Challenging the same, the petitioner filed CrI.A.No.148 of 2015 on the file of III Additional Metropolitan Sessions Judge, Hyderabad. Along with the appeal, he filed CrI.M.P.No.443 of 2015 seeking suspension of sentence. By his order dated 02.03.2015, the learned Sessions Judge suspended the sentence of imprisonment subject to deposit of 1/4th of compensation amount within 15 days. The same is questioned in this criminal petition.

The learned counsel for the petitioner submits that the petitioner is a poor man and it is difficult for him to deposit the said amount. He further submits that the petitioner has fair chances of success in the appeal.

Taking into consideration the facts and circumstances of the

case, the condition of depositing 1/4th of compensation amount, which amounts to nearly Rs.2,00,000/-, is directed to be paid in two installments. The

1st installment of Rs.1,00,000/- shall be paid within a period of one month from today and the balance amount of Rs.1,00,000/- shall be paid within a period of one month thereafter. In default of the payment as stated above, the order stands vacated and the appellate Court shall take all steps in accordance with law.

Accordingly, the criminal petition is disposed of. As a sequel, miscellaneous petitions, if any, pending shall stand closed.

**C. PRAVEEN
KUMAR, J**

Date: 20.03.2015
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