

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2004 of 2015

ORDER:

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1. This Criminal Revision Case is filed by the petitioner-accused aggrieved by the order dated 4.8.2015 passed in CrI.M.P.No.191 of 2015 in C.A.No.370 of 2015 in C.C.No.218 of 2014 by the XI Additional District & Sessions Judge, Tenali.

2. The petitioner-accused was tried and convicted by the I Additional Judicial Magistrate of First Class, Tenali, in C.C.No.218 of 2014 for the offence punishable under Section 138/142 of the Negotiable Instruments Act. He was sentenced to undergo simple imprisonment for a period of six months and to pay a fine of Rs.1,000/- within one month in default to undergo simple imprisonment for a period of one month. The trial Court suspended the sentence till 30.7.2015. Aggrieved by the conviction and sentence imposed by the trial Court, the petitioner preferred CrI.A.No.370 of 2015 before the XI Additional District & Sessions Judge, Guntur. Along with the appeal, the petitioner filed the above CrI.M.P. seeking suspension of sentence and bail. The learned Sessions Judge dismissed the said application. The order under revision is as follows:

“Notice is given to A.P.P. Heard both sides. It is brought to the notice of the Court that the petitioner has not attended the Court as per bail granted by the lower Court and NBW was issued. Hence, the petitioner is not entitled to bail at this stage. Hence, the petition is dismissed.”

Aggrieved by the same, the petitioner-accused filed this revision.

3. Heard and perused the material available on record.

4. Learned Counsel for the petitioner vehemently contended that the order passed by the appellate Court is contrary to law and that the trial Court suspended the sentence till 30.7.2015 and without obtaining order of suspension from the Sessions Court, the petitioner cannot attend before the trial Court on the above said date and therefore, the grounds mentioned by the learned Sessions Judge for dismissal of the

petition are not sustainable.

5. The contention raised by the learned Counsel for the petitioner cannot be brushed aside. Considering the facts and circumstances of the case, the Criminal Revision Case is disposed of with the following direction:

- i. The order under revision is set aside and the above CrI.M.P.No.191 of 2015 is restored. The learned XI Additional District & Sessions Judge, Tenali, is directed to suspend the sentence imposed by the trial Court on the same terms and conditions that were imposed by the trial Court while suspending the sentence.
- ii. NBWs issued by the trial Court against the petitioner are recalled.
- iii. The petitioner is directed to appear before the trial Court on or before 19th November, 2015, so as to comply with the conditions if any, imposed by the trial Court on earlier occasion.

Consequently, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 30.10.2015

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HONOURABLE SRI JUSTICE RAJA ELANGO

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