

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No. 45 OF 2015

ORDER:

The present criminal revision is filed by the petitioner aggrieved by the order dated 31-1-2014 passed in CrI.M.P.No.771 of 2014 in CrI.A.No.200 of 2014 on the file of I Additional Sessions Judge, Ongole.

2. The facts in issue are as under:

The respondent herein filed a private complaint against the petitioner/ accused for the offence punishable under Section 138 of Negotiable Instruments Act (for short "the Act"). The said case was taken on file as C.C.No.350 of 2012 on the file of II Additional Judicial Magistrate of First Class, Ongole. By the judgment dated 11-12-2014, the learned Magistrate convicted and sentenced the accused to suffer Rigorous Imprisonment for a period of one year and also to pay compensation of Rs.20,00,000/- to the respondent/complainant. Challenging the same, the petitioner preferred appeal in CrI.A.No.200 of 2014 before the Court of I Additional Sessions Judge, Ongole. Along with the appeal, the accused filed CrI.M.P.No.771 of 2014 seeking bail. By an order dated 31-12-2014, the learned Sessions Judge, while releasing the petitioner on bail directed the petitioner to deposit 25% of the cheque amount on or before 31-01-2015 before the Court of II Additional Judicial Magistrate of First Class, Ongole. Challenging the same, the present Revision is filed.

3. Learned counsel for the petitioner submits that the conditions imposed by the Appellate Court is too onerous and as such, the petitioner could not comply with the conditions. Hence, he seeks stay of operation of the said order.

4. Learned Public Prosecutor opposed the application.

5. A perusal of the material on record would disclose that the complainant herein issued a cheque for Rs.10.00 lakhs, which when presented in the bank, was returned due to insufficiency of funds. Though the trial Court directed the petitioner to pay Rs.20.00 lakhs, which is double the cheque amount, the Appellate Court directed the petitioner only to pay 25% of the cheque amount on or before 31-01-2015. The amount directed by the Appellate Court being reasonable and in accordance with the judgment of the Apex Court in **Dilip S.Dahanukar Vs.Kotak Mahindra Company Limited**^[1], the same warrants no interference. However, the time granted to pay the said amount is extended by a further period of four weeks from 31-01-2015.

With the above direction, the Criminal Revision Case is disposed of. As a sequel thereto, Miscellaneous Petitions pending if any in this Criminal Revision, shall stand closed.

C. PRAVEEN KUMAR, J

Date: 21-01-2015
nvl

^[1] (2007) 6 SCC 528.