

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.12807 OF 2015

ORDER:

This Criminal Petition is filed by the petitioner, under Section 482 of the Code of Criminal Procedure, seeking to modify the order, dated 01.10.2015, passed in Crl.A.M.P.108 of 2015 in Crl.A. No.317 of 2015 by the IV Additional District & Sessions Judge, Nellore, by relaxing the condition of depositing Rs.5,69,800/-.

Heard and perused the material available on record.

Petitioner is sole accused in CC No.237 of 2012 on the file of Judicial Magistrate of First Class, Special Mobile Court, Nellore, for the offence punishable under Section 138 of the Negotiable Instruments Act. The trial Court imposed sentence of imprisonment for one year and also to pay compensation of Rs.11,39,600/- against the petitioner vide judgment, dated 02.09.2015. Against the said judgment, the petitioner filed Crl.A. No.317 of 2015 before the IV Additional District & Sessions Judge, Nellore. He also filed Crl.A.M.P. No.108 of 2015 to suspend the operation of judgment passed by the trial Court. In the said application, the Appellate Court passed the following conditional order on 01.10.2015:

“In view of the decision reported in **Stanny Felix Pinto Vs. M/S., Jangid Builders Private Limited and another (Air 2001SC 659)**, sentence is suspended till 7.12.2015 on condition to deposit **Rs.5,69,800 (Rupees five lakhs sixty nine thousands eight hundred only)** out of compensation amount imposed by the trial court within one month, otherwise, the petitioner for suspension till 7.12.2015, shall stand dismissed.”

Aggrieved by the above order, the petitioner filed the present petition.

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

“The order of payment of compensation of Rs.5,69,800/- 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 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 10, 2015
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