

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.6387 OF 2016

ORDER:

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This Criminal Petition is filed by the petitioner-accused to quash the order dated 13.4.2016 passed by the XII Additional Sessions Judge, Guntur in CrI.M.P.No.171 of 2016 in CrI.A.No.179 of 2016.

The petitioner herein was tried for the offence under Section 138 of Negotiable Instruments Act and he was convicted for the said offence by the Special Judicial First Class Magistrate for Prohibition and Excise, Guntur vide judgment dated 18.3.2016 in C.C.No.843 of 2014. Aggrieved thereby, the petitioner preferred CrI.A.No.179 of 2016 before the XII Additional Sessions Judge, Guntur. Along with the appeal, he filed CrI.M.P.No.171 of 2016 seeking to suspend the sentence of imprisonment imposed by the trial Court. The appellate Court by the impugned order while suspending the sentence of imprisonment directed the petitioner to deposit to deposit 1/3rd of the fine amount before the trial Court. Aggrieved by the said condition, the petitioner filed the present petition.

Considering the facts and circumstances of the case, impugned order is set aside to the extent of imposing the condition on the petitioner to deposit 1/3rd of the fine amount and the Court below is directed to dispose of the appeal as expeditiously as possible.

The Criminal Petition is accordingly disposed of.

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

JUSTICE RAJA ELANGO

26.04.2016

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