

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1527 OF 2012

ORDER:

This Criminal Revision Case, under Sections 397 and 401 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused challenging the judgment, dated 17.08.2012, in Criminal Appeal No.185 of 2011 on the file of III Additional District & Sessions Judge (Fast Track Court), Anantapur, whereunder and whereby, the learned Sessions Judge dismissed the appeal confirming the conviction and sentence imposed against the petitioner in C.C.No.218 of 2010, dt.26.12.2011, on the file of Judicial Magistrate of First Class, Special Mobile Court, Anantapur.

2. Respondent No.1 herein is the complainant and the petitioner herein is the accused. Respondent No.1 filed a private complaint against the petitioner before Judicial Magistrate of First Class, Special Mobile Court, Anantapur for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and the same was numbered as C.C.No.218 of 2010. The learned Magistrate found the accused guilty for the offence punishable under Section 138 of the Negotiable Instruments Act and accordingly, convicted and sentenced him to undergo simple imprisonment for a period of six months and to pay Rs.2,50,000/-, to the complaint towards compensation in default, to undergo simple imprisonment for a period of one month. Aggrieved thereby, the petitioner preferred the aforesaid appeal and the same was dismissed by the learned Sessions Judge confirming the judgment of the trial Court on the ground that the trial Court has

not committed any error. Challenging the said judgment, the petitioner filed this Criminal Revision Case.

3. Heard and perused the material available on record.

4. After arguing for some time, learned counsel for the petitioner/accused confined his arguments only to the extent of reducing the sentence of imprisonment and submitted that the petitioner is ready to pay the amount, if court grants some time and learned counsel for respondent No.1 consented for the same.

5. The trial court, upon consideration of evidence in proper perspective, rightly convicted the petitioner and the same was confirmed the appellate Court. Therefore, there are no grounds to interfere with the concurrent findings of Courts below. However, taking into consideration the fact that the petitioner is ready to pay the amount, this Court is inclined to modify the sentence.

6. In the result, the conviction imposed against the petitioner in the judgment, dated 17.08.2012, in Criminal Appeal No.185 of 2011 on the file of III Additional District & Sessions Judge (Fast Track Court), Anantapur for the offence punishable under Section 138 of the Negotiable Instruments Act is confirmed. However, the sentence of imprisonment imposed by the trial Court, which was confirmed by the first appellate Court, for the said offence is set aside. However, the petitioner is directed to pay compensation of Rs.2,00,000/- (Rupees two lakhs only) as awarded by the trial Court, which was confirmed by the first appellate to the complainant on or before 30.12.2016 in default, the petitioner

shall undergo rigorous imprisonment for a period of six (06) months. On such , the complainant is entitled to receive the same.

7. Accordingly, this Criminal Revision Case is partly allowed. Miscellaneous petitions pending, if any, in this Criminal Revision Case shall stand closed.

JUSTICE RAJA ELANGO

27.09.2016
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