

HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

CRIMINAL REVISION CASE No.2355 of 2016

ORDER:

This Criminal Revision Case, under Sections 397 and 401 of the Code of Criminal Procedure, 1973, is filed by petitioners/A.1 and A.2 aggrieved by the order, dated 19.08.2016, in CrI.M.P.No.1315 of 2016 in Criminal Appeal No.696 of 2016 on the file of Special Judge for Trial of Offences under Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act-cum-VI Additional Metropolitan Sessions Judge, Secunderabad.

2. Basing on a private complaint made by respondent No.1 herein/complainant, the X Additional Chief Metropolitan Magistrate, Hyderabad, took cognizance of the case and numbered as C.C.No.557 of 2013. Thereafter, the case was transferred to III Special Magistrate, Hyderabad, where the case renumbered as C.C.No.186 of 2014. After considering the material on record, the learned Magistrate vide judgment, dated 05.08.2016, found A.1 and A.2 guilty of the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and sentenced A.1 to undergo simple imprisonment for a period of four months and to pay sum of Rs.1,25,000/- as compensation with simple interest at the rate of 9% per annum, in default, to undergo simple imprisonment for a period of three (3) months. Insofar as A.2 is concerned, no sentence was imposed. Challenging the said judgment, the petitioners filed appeal before VI Additional Metropolitan Sessions Judge, Secunderabad and the same is pending. In the said appeal, the petitioners filed CrI.M.P.No.1315 of 2016 seeking to suspend payment of compensation imposed against

A.1. The learned Sessions Judge, after considering the material on record, directed A.1 to deposit 25% of the compensation amount as awarded by the trial Court within 30 days, failing which held that order becomes *functus officio*. Challenging the said order, the present revision case is filed.

3. Having regard to the facts and circumstances of the case and as the appeal is pending before VI Additional Metropolitan Sessions Judge, Secunderabad, the order directing the petitioners to deposit 25% of the compensation awarded by learned Sessions Judge within 30 days from the date of that order is modified and the petitioners shall pay an amount of Rs.35,000/- (Rupees thirty five thousand only) within fifteen (15) days from today, in default the original order stands restored.

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

JUSTICE C. PRAVEEN KUMAR

SEPTEMBER 17, 2016

Note:

Issue C.C.within two (2) days.

(B/o)

YVL

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Date: 17.09.2016