

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.2944 OF 2015

ORDER:

This Criminal Petition is filed by the petitioner, under Section 482 of the Code of Criminal Procedure, seeking to relax the condition imposed in Crl.A.M.P. No.42 of 2016 in Crl.A. No.30 of 2016 by the I-Additional Sessions Judge, Ongole, whereby the learned Sessions Judge, while suspending the sentence imposed on the petitioner by the Judicial Magistrate of First Class, Special Mobile Court, Ongole, vide judgment, dated 08.02.2016, in CC No.151 of 2014, directed him to deposit 50% of the cheque amount on or before 11.03.2016 before Court below.

Heard and perused the material available on record.

The case in brief is that the petitioner borrowed an amount of Rs.8,00,000/- from the de facto complainant and when the de facto complainant demanded for repayment of the said amount, he issued a cheque, which was dishonoured due to insufficient funds. Therefore, the de facto complainant filed CC No.151 of 2014 before the Judicial Magistrate of First Class, Special Mobile Court, Ongole, for the offence punishable under Section 138 of the Negotiable Instruments Act. The trial Court convicted the petitioner for the said offence and sentenced him to undergo rigorous imprisonment for a period of one year and also to pay fine of Rs.11,00,000/-, out of which 8,00,000/- was payable as compensation to the complainant and in default to undergo simple imprisonment for a period of one month. Against the said judgment, the petitioner filed Crl.A. No.30 of 2016 and he also filed Crl.A.M.P. No.42 of 2016 to suspend the operation of judgment of the trial Court.

The learned Sessions Judge allowed the said application on condition of petitioner – accused depositing 50% of the cheque amount on or before 11.03.2016 before the Judl. Magistrate of First Class, Spl.Mobile Court, Ongole. Aggrieved by the said 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 of compensation, this Court is inclined to pass the following order:

The order passed by the learned I-Additional Sessions Judge, Ongole, is set aside to the extent of deposit of 50% of the cheque amount by the petitioner – accused. The other conditions in the said order shall stand unaltered.

With the above modification, the Criminal petition is disposed of. Miscellaneous petitions, pending if any, shall stand closed.

RAJA ELANGO, J

March 11, 2016.
KTL