

HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.3013 of 2016

ORDER:

1. This Criminal Petition is filed by the petitioner-accused aggrieved by the order dated 5.2.2016 passed in CrI.M.P.No.17 of 2016 in Criminal Appeal No.87 of 2016 by the XIII Additional District & Sessions Judge, Ranga Reddy District at L.B. Nagar.

2. The petitioner-accused was convicted and sentenced by the learned Special Magistrate, Hayathnagar, in C.C.No.226 of 2015, vide judgment dated 13.1.2016, for the offence under Section 138 of the Negotiable Instruments Act, to undergo rigorous imprisonment for a period of six months and to pay compensation of Rs.3,50,000/- to the complainant by way of DD within forty five days, in default, to suffer simple imprisonment for a period of six months. Aggrieved by the conviction and sentence, the petitioner filed Criminal Appeal No.87 of 2016 before the learned XIII Additional District & Sessions Judge, Ranga Reddy District at L.B. Nagar. Along with the appeal, the petitioner-accused filed the above CrI.M.P. seeking suspension of execution of the sentence. The learned Additional District & Sessions Judge suspended the operation of sentence of imprisonment imposed by the trial Court till disposal of the appeal on the same terms and conditions imposed by the trial Court and on further condition of the petitioner depositing 15% on the two cheque amounts, which amounts to Rs.52,500/- within 30 days. Aggrieved by the said condition of deposit of 15% on the two cheque amounts, the petitioner-accused filed this petition.

3. Heard and perused the material available on record.

4. The main grievance of the petitioner is that since the appeal was filed against the conviction and sentence of imprisonment and compensation, the imposition of such condition of deposit of cheque

amount is not reasonable and therefore, the said condition may be relaxed.

5. Considering the facts and circumstances of the case and since the appeal is pending, this Criminal Petition is disposed of with the following direction:

“The condition imposed by the learned XIII Additional District & Sessions Judge, Ranga Reddy District at L.B. Nagar, directing the petitioner to deposit 15% on the two cheque amounts, which amounts to Rs.52,500/- within 30 days, is hereby set aside. Rest of the conditions imposed by the learned Additional District & Sessions Judge while suspending the sentence, shall remain.”

Miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

9th March, 2016

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