

THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.R.C.No.3264 of 2015

ORDER :

Petitioner preferred the present Criminal Revision Case by invoking the provisions under Sections 397 and 401 of the Code of Criminal Procedure being aggrieved by the order dated 04-12-2015 passed in Crl.M.P.No.613 of 2015 in C.A.No.149 of 2015 on the file of the Court of Sessions, Prakasam Division (before the I Additional Sessions Judge, Ongole) insofar as directing the petitioner to deposit 50% of the cheque amount on or before 28-12-2015 before the III Additional Judicial Magistrate of First Class, Ongole, failing which the petition shall stand dismissed is concerned.

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and perused the material available on record.

The learned counsel for the petitioner submits that the lower appellate court ought not to have directed the petitioner to deposit 50% of the cheque amount, in as much as Section 389 of Cr.P.C. does not give jurisdiction to the appellate court to impose such condition. It is further submitted that the petitioner herein has fair chances to succeed in appeal and he is ready to get the appeal disposed in a short period of time.

Considering the facts and circumstances of the case, the Criminal Revision Case is allowed setting aside the

order dated 04-12-2015 passed in Crl.M.P.No.613 of 2015 in C.A.No.149 of 2015 by the Court of Sessions, Prakasam Division (before the I Additional Sessions Judge, Ongole) in so far as directing the petitioner to deposit 50% of the cheque amount on or before 28-12-2015 before the III Additional Judicial Magistrate of First Class, Ongole, failing which this petition shall stand dismissed is concerned. The rest of the order remains unaltered.

Miscellaneous petitions pending in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

06th January, 2016

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