

HONOURABLE SRI JUSTICE M.S.K. JAISWAL

CRIMINAL PETITION No. 13315 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash the order dated 18.08.2016 passed in CrI.M.P.No. 1277 of 2016 in CrI.A.No.687 of 2016 by the learned Special Judge for Trial of offences under SC and ST (POA) Act-cum-VI Additional Metropolitan Sessions Judge, Secunderabad, whereby the petitioner was directed to deposit 25% of the compensation amount as awarded by the trial Court within 30 days from the date of the said order and on such deposit, the order under appeal shall stand suspended, and if the amount is not deposited as ordered, the order becomes functus officio.

The petitioner herein was convicted in C.C.No. 655 of 2015 by the learned XIV Additional Judge-cum-XVIII Additional Chief Metropolitan Magistrate, Hyderabad for the offence punishable under Section 138 of N.I. Act and sentenced to undergo simple imprisonment for a period of six months and shall pay a fine of Rs.5,000/-, in default the petitioner/accused shall undergo simple imprisonment for a period of one month. It further ordered the petitioner to pay compensation of Rs.11,00,000/-. Assailing the same, the petitioner preferred Criminal Appeal No. 687 of 2016 and along with the said appeal, he also preferred CrI.M.P.No. 1277 of 2016, wherein the lower appellate Court passed the impugned order as stated supra.

The learned Counsel for the petitioner while reiterating the contentions raised before the Court below submitted that the order of the Court below imposing onerous condition needs to be modified in a just and reasonable manner.

Having heard the learned Counsel on either side and gone through the material on record, this court is of the opinion that interest of justice would be best served if the condition imposed by the Court below in the impugned order is modified to the effect that the petitioner shall deposit Rs.1,00,000/- (Rupees one lakh only) instead of 25% of the compensation amount, within one month from today before the trial Court. The rest of the conditions imposed in the impugned order shall stand as it is. Accordingly there shall be an order.

The Criminal Petition is disposed of. Miscellaneous petitions pending consideration if any in the Criminal Petition shall stand closed in consequence. No order as to costs.

JUSTICE M.S.K. JAISWAL

DATED 19TH September, 2016.
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