

THE HONOURABLE SRI JUSTICE RAJA ELANGO

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CRIMINAL REVISION CASE No.1661 of 2014

ORDER:

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This revision is preferred by the petitioner-accused challenging the judgment dated 18.7.2014 passed by the III Additional District & Sessions Judge, Nellore in CrI.A.No.88 of 2013 confirming the conviction and sentence imposed in C.C.No.396 of 2011 by the IV Additional Judicial Magistrate of First Class, Nellore vide judgment dated 29.4.2013 whereby the petitioner was convicted for the offence under Section 138 of Negotiable Instruments Act and sentenced to undergo S.I. for two years and to pay a compensation of Rs.14,50,000/-, in default, to suffer S.I. for five months.

During the pendency of the revision, the petitioner-accused filed an affidavit informing his intention to deposit the cheque amount/compensation imposed by the trial Court and also stated that he was in jail for a period of 5 days and now his wife is in coma as she is suffering with brain cancer. He further submitted that while suspending the sentence, this Court directed him to deposit 20% of the cheque amount before the trial Court and he has complied with the said condition and prayed this Court to grant sometime to deposit the remaining cheque amount before the trial Court and also prayed to set aside the sentence of imprisonment.

Under those circumstances, the conviction imposed by both the Courts below and the compensation imposed on the petitioner is hereby confirmed. The sentence of imprisonment is reduced to the period already undergone by the petitioner and the petitioner is directed to pay the cheque amount/compensation imposed by the trial Court to the complainant-first respondent herein on or before 15th May, 2016 after giving due credit to the amount already deposited, in default, he shall undergo simple imprisonment for a period of one year.

The Criminal Revision Case is disposed of accordingly.

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

RAJA ELANGO,J

19.02.2016.

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