

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1730 of 2016

ORDER:

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1. This Criminal Revision Case is filed by the petitioner aggrieved by the order dated 25.6.2016 passed in CrI.M.P.No.927 of 2016 in Criminal Appeal No.552 of 2016 by the Special Judge for Trial of Offences under SCs & STs (POA) Act-cum-VI Additional Metropolitan Sessions Judge, Secunderabad.

2. In C.C.No.565 of 2015 on the file of XIV Additional Judge-cum-XVIII Additional Chief Metropolitan Magistrate, Erramanzil, Somajiguda, Hyderabad, the petitioner was convicted and sentenced to undergo simple imprisonment for a period of six months and to pay a fine of Rs.5,000/- in default, to suffer simple imprisonment for a period of one month for the offence punishable under Section 138 of the Negotiable Instruments Act and further, the petitioner was directed to pay compensation of Rs.4,60,000/- to the complainant within one month from the date of judgment. Aggrieved by the said judgment, the petitioner filed the above Criminal Appeal. Along with the appeal, the petitioner filed two separate applications, one is to suspend the execution of sentence of imprisonment and another is to stay the execution of recovery of compensation. The impugned CrI.M.P. is filed seeking to stay the execution of recovery of compensation of Rs.4,60,000/-. The learned VI Additional Metropolitan Sessions Judge allowed the impugned CrI.M.P. on condition of the petitioner depositing 1/4th of the compensation amount ordered by the trial Court within 20 days. Aggrieved by the said condition, the petitioner filed this revision.

3. Heard and perused the material available on record.

4. Learned Additional Public Prosecutor opposed this revision.
5. Considering the facts and circumstances of the case and since the petitioner filed the appeal challenging the entire judgment of the trial Court, this Court is inclined to pass the following order:

“The condition imposed by the learned Special Judge for Trial of Offences under SCs & STs (POA) Act-cum-VI Additional Metropolitan Sessions Judge, Secunderabad, in the order under revision, directing the petitioner to deposit 1/4th of the compensation amount, is hereby set aside. Rest of the order under revision shall remain.”

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

JUSTICE RAJA ELANGO

Dated: 5th July, 2016

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