

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1387 OF 2016

ORDER:

This Criminal Revision Case is preferred by the petitioner/accused against the order, dated 3.6.2016, in CrI.M.P.No.61 of 2016 in CrI.A.No.264 of 2016 on the file of the III Additional Sessions Judge, Guntur insofar as the conditions imposed on the petitioner to deposit Rs.1,00,000/- before the trial Court within a period of one week from the date of the order and to execute a bond for Rs.5,000/- with two sureties for the like sum each to the satisfaction of the Additional Judicial Magistrate of First Class, Ponnur, are concerned.

2. The petitioner/accused was convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 in C.C.No.82 of 2015 on the file of the Additional Judicial Magistrate of First Class, Ponnur and he was sentenced to undergo simple imprisonment for a period of six months and to pay a fine of Rs.8,75,000/-, in default, to suffer simple imprisonment for a period of six months. The petitioner filed CrI.M.P.No.61 of 2016 in CrI.A.No.264 of 2016 on the file of the III Additional Sessions Judge, Guntur to suspend the execution of the said sentence and payment of fine pending disposal of the appeal and the same was allowed on conditions of the petitioner depositing Rs.1,00,000/- before the trial Court within a period of one week from the date of that order and on executing a bond for Rs.5,000/- with two sureties for the like sum each to the satisfaction of the learned Magistrate. Being aggrieved by the said conditions, the petitioner preferred this revision.

3. Learned counsel for the petitioner has submitted that the petitioner has already filed an Insolvency Petition and the petitioner is

not in a position to deposit Rs.1,00,000/- and execute a bond for Rs.5,000/- with two sureties for the likesum each and hence, he prays this Court to relax the said conditions.

4. Considering the facts and circumstances of the case, the condition imposed on the petitioner in CrI.M.P.No.61 of 2016 in CrI.A.No.264 of 2016 on the file of the III Additional Sessions Judge, Guntur insofar directing him to deposit Rs.1,00,000/- before the trial Court within a period of one week from the date of the order is concerned is hereby relaxed. The other condition imposed on the petitioner to execute a bond for Rs.5,000/- with two sureties for the like sum each to the satisfaction of the learned Magistrate shall remain unaltered.

5. With the above modification, the Criminal Revision Case is disposed of.

6. Miscellaneous petitions pending, if any, in this Criminal Revision Case shall stand closed.

JUSTICE RAJA ELANGO

8.6.2016
AMD

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Date: 8.6.2016

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