

THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.R.C. No.487 of 2005

ORDER :

The 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 Judgment dated 17-03-2005 passed in Crl.A.No.138 of 2004 by the III Additional Metropolitan Sessions Judge, Hyderabad, confirming the order dated 16-04-2004 passed in C.C.No.453 of 2001 on the file of the IX Metropolitan Magistrate, Hyderabad, whereby the trial Court found the petitioner/accused guilty for the offence under Section 138 of Negotiable Instruments Act and convicted him under Section 255 (2) Cr.P.C. The petitioner/accused was sentenced to undergo Simple Imprisonment for a period of six months for the offence under Section 138 of Negotiable Instruments Act. .

The said findings are concurrent in nature and the revision is filed challenging the said order.

This Court perused the records and heard the arguments.

Sri K.Sarva Bhouma Rao, learned counsel for the petitioner, submits that the petitioner is suffering from ailments and also he filed a petition for insolvency and he is not in a position to immediately pay the amount.

Considering the said submissions and facts and circumstances of the case, the conviction imposed against the petitioner-accused by the courts below is confirmed, however, the sentence of imprisonment

imposed against the petitioner-accused by the courts below is set aside. Further, the petitioner-accused is directed to pay compensation of Rs.50,000/- (Rupees Fifty Thousand Only) to the Respondent-complainant.

Accordingly, the Criminal Revision Case is disposed of.

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

JUSTICE RAJA ELANGO

20th September, 2016

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