

HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.319 of 2016

ORDER:

1. This Criminal Revision Case is filed by the petitioner-accused aggrieved by the order dated 18.1.2016 passed in CrI.M.P.No.20 of 2016 in Criminal Appeal No.1162 of 2015 by the III Additional District & Sessions Judge, Ranga Reddy District at L.B. Nagar.

2. The petitioner-accused was convicted and sentenced by the learned V Special Magistrate, Hasthinapuram, in C.C.No.61 of 2015, vide judgment dated 15.12.2015, for the offence under Section 138 of the Negotiable Instruments Act, to undergo rigorous imprisonment for a period of six months and to pay a fine of Rs.3,00,000/- in default of payment of fine, to suffer simple imprisonment for a period of one month. Aggrieved by the conviction and sentence, the petitioner filed Criminal Appeal No.1162 of 2015 before the learned III Additional District & Sessions Judge, Ranga Reddy District. Along with the appeal, the petitioner-accused filed the above CrI.M.P. seeking suspension of execution of the sentence. The learned Additional District & Sessions Judge suspended the operation of sentence imposed by the trial Court till disposal of the appeal on condition of the petitioner depositing 1/4th of the compensation amount in the lower Court within 15 days and on the same terms and conditions as imposed by the trial Court while suspending the sentence. Aggrieved by the said condition of payment of compensation/fine, the petitioner-accused filed this revision.

3. Heard and perused the material available on record.

4. The main grievance of the petitioner is that since the appeal was filed against the conviction and sentence of imprisonment and fine, the imposition of such condition of payment of fine amount is not reasonable and therefore, the said condition may be relaxed.

5. Considering the facts and circumstances of the case and since the appeal is pending, this Criminal Revision Case is disposed of with the following direction:

“The condition imposed by the learned III Additional District & Sessions Judge, Ranga Reddy District at L.B. Nagar, directing the petitioner to pay 1/4th of the compensation/fine amount in the lower Court is hereby set aside. Rest of the conditions imposed by the learned Additional District & Sessions Judge on 18.1.2016 while suspending the sentence, shall remain.”

Miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

1st February, 2016

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