

THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.R.C.No.448 of 2016

ORDER :

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 condition imposed by the XIV Additional Metropolitan Sessions Judge, Ranga Reddy District at L.B.Nagar in the order dated 31-12-2015 in Crl.M.P.No.44 of 2015 in Crl.A.No.1147 of 2015, whereby the lower appellate Court, suspended the sentence of imprisonment imposed by the trial Court, subject to depositing 15% on cheque amount of Rs.5,00,000/- which amounts to Rs.75,000/- within one month in the lower court.

Heard the learned counsel for petitioner and the learned Additional Public Prosecutor and perused the material available on record.

The learned counsel for petitioners submits that the IV Special Magistrate, Hasthinapuram, R.R.District did not give the weightage to the evidence on record in its correct prospective and convicted the Revision Petitioner and the learned XIV Additional Metropolitan Sessions Judge, R.R.District, Hyderabad erred in imposing a condition to deposit an amount of Rs.75,000/- while suspending the sentence of imprisonment, which is against the rule of justice, which is liable to be set aside. Further, petitioner has got good case in appeal.

Considering the facts and circumstances of the case, the

Criminal Revision Case is allowed setting aside the order dated 31-12-2015 in CrI.M.P.No.44 of 2015 in CrI.A.No.1147 of 2015 on the file of the XIV Additional Metropolitan Sessions Judge, Ranga Reddy District at L.B.Nagar insofar as imposing a condition that the petitioner shall deposit 15% on cheque amount of Rs.5,00,000/- which amounts to Rs.75,000/- within one month in the lower court. The rest of the order remains unaltered.

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

JUSTICE RAJA ELANGO

08th February, 2016

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