

HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.207 of 2016

ORDER:

1. This Criminal Revision Case is filed by the petitioner-accused aggrieved by the order dated 27.10.2015 passed in Crl.M.P.No.208 of 2015 in Criminal Appeal No.242 of 2015 by the XVI Additional District & Sessions Judge, Nandigama, Krishna District.

2. The petitioner-accused was convicted and sentenced by the learned Additional Judicial Magistrate of First Class, Jaggaiahpet, in C.C.No.14 of 2011, vide judgment dated 28.9.2015, for the offence under Section 138 of the Negotiable Instruments Act, to undergo rigorous imprisonment for a period of ten months and to pay a fine of Rs.1,50,000/- in default of payment of fine, to suffer simple imprisonment for a period of three months. The trial Court suspended the sentence till 27.10.2015 vide order in Crl.M.P.No.211 of 2015. Aggrieved by the conviction and sentence, the petitioner filed Criminal Appeal No.242 of 2015 before the learned XVI Additional District & Sessions Judge, Nandigama. Along with the appeal, the petitioner-accused filed the above Crl.M.P.No.208 of 2015 seeking suspension of execution of the sentence. The learned Additional District & Sessions Judge, Nandigama, suspended the sentence subject to the orders of the trial Court in Crl.M.P.No.211 of 2015 in C.C.No.14 of 2011, subject to the same terms and conditions imposed by the trial Court and subject to payment of fine amount. Aggrieved by the said condition of payment of 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 XVI Additional District & Sessions Judge, Nandigama, Krishna District, directing the petitioner to pay fine amount imposed by the trial Court in C.C.No.14 of 2011 is hereby set aside. Rest of the conditions imposed by the learned Additional District & Sessions Judge on 27.10.2015 while suspending the sentence, shall remain.”

Miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

22nd January, 2016
Nn

HONOURABLE SRI JUSTICE RAJA ELANGO

-
-
-
-

-
-
-
-
-
-
-
-
-
-
-
CRIMINAL REVISION CASE No.207 of 2016

-
-
-
-
-
-
-
-
-
-
22.1.2016

Nn