HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.600 OF 2016

ORDER:

The petitioner was tried in C.C.No.159 of 2013 on the file of Special Judicial Magistrate of First Class, Kovur, for the offence under Section 138 of Negotiable Instruments Act. By an order dated 05.10.2015, the petitioner was convicted for the said offence and sentenced to undergo S.I. for a period of two years and to pay a fine of Rs.5,00,000/- in default to suffer S.I. for two months and also to pay compensation of Rs.20,00,000/- to the complainant bank. Challenging the said order, the petitioner filed an appeal in C.A.No.332 of 2015 on the file of IV Additional District and Sessions Judge, Nellore. By order dated 12.10.2015 in Crl.M.P.No.12 of 2015 in C.A.No.332 of 2015, the appellate Court released the petitioner on bail on his executing a bond for Rs.5,000/- with two sureties for like sum to the satisfaction of the trial Court and further directed the petitioner to deposit a sum of Rs.5,00,000/- out of compensation amount of Rs.20,00,000/- awarded by the trial Court, within two months from the date of order. The sentence of imprisonment was suspended till 5.2.2016. Before expiry of the said period, the petitioner filed Crl.M.P.No.162 of 2015 in Crl.M.P.No.12 of 2015 in Crl.A.No.332 of 2015 seeking extension of time. The learned IV Additional District and Sessions Judge, Nellore, passed the following

order dated 10.12.2015:

> "Heard. Granted two (2) months time to deposit amount as ordered in Crl.M.P.No.12 of 2015."

Challenging the said order, the present Criminal Revision Case is filed by the petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent of the offence alleged and the entire fraud is committed by the respondent Bank officials. He would further submit that the petitioner is not in a position to pay any money and as such the quantum of amount, which was sought to be deposited, may be reduced while extending time for such deposit.

The issue as to whether the respondent Bank officials have forged the signature of the petitioner by filling the columns of the alleged cheque is a matter to be adjudicated in the appeal. Insofar as extension of time for deposit of the amount, the trial Court while convicting the petitioner for the offence under Section 138 of N.I. Act and sentencing him to undergo S.I. for a period of two years, also directed him to pay a fine of Rs.5,000/- in default to suffer S.I. for two months and also to pay compensation of Rs.20,00,000/- to the complainant bank, which is the cheque amount. Pending appeal, the appellate Court directed the petitioner to deposit Rs.5,00,000/- out of the compensation awarded by it, which, in my considered view, cannot be said to be illegal, unfair or arbitrary.

While reducing the quantum of compensation to be

deposited, the lower appellate Court granted time till 05.02.2016. Learned counsel for the petitioner states that the petitioner is not in a position to pay the said amount, immediately and that he is taking steps to raise the said amount.

Having regard to the facts and circumstances and taking into consideration the quantum of amount to be deposited, time granted for deposit of the amount is extended till end of February, 2016.

Subject to the above direction, this Criminal Revision Case is disposed of.

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JUSTICE C. PRAVEEN KUMAR

18.02.2016.
Msr

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.600 OF 2016

18.02.2016
Msr