

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1808 OF 2016

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ORDER:

This Criminal Revision Case is filed by the petitioner, under Sections 397 and 401 of the Code of Criminal Procedure, seeking to set aside the condition of deposit of Rs.1,00,000/- imposed by the III Additional Sessions Judge, Guntur vide order, dated 29.06.2016 in Crl.A.M.P. No.84 of 2016 in Crl.A. No.335 of 2016, while suspending the sentence of fine amount, imposed against the petitioner by the Principal Junior Civil Judge, Mangalagiri, vide judgment, dated 14.06.2014 in CC No.24 of 2014.

Heard and perused the material available on record.

Petitioner is the accused in CC No.24 of 2014 before the Principal Junior Civil Judge, Mangalari, for the offence punishable under Section 138 of the Negotiable Instruments Act. The trial Court convicted the petitioner for the said offence and imposed sentence of compensation of Rs.5,00,000/- against him. Against the said order, the petitioner filed Crl.A. No.335 of 2016 before the learned III-Additional Sessions Judge, Guntur, and also filed Crl.A.M.P. No.84 of 2016 to suspend the operation of judgment of trial Court. The appellate Court, while suspending the sentence, imposed a condition against the petitioner to deposit an amount of Rs.1,00,000/- within two weeks from the date of that order. Aggrieved by the above order, the petitioner filed the present revision.

Learned counsel for the petitioner submitted that the petitioner is not in a position to deposit the amount as ordered by the appellate Court and that she has no source of income to deposit the said amount.

Considering the facts and circumstances of the case and the submissions of the learned counsel for the petitioner, and in view of

the fact that the main appeal is pending before the lower appellate Court with regard to sentence of compensation, this Court is inclined to pass the following order:

The condition of deposit of Rs.1,00,000/- imposed by the III Additional Sessions Judge, Guntur, vide order, dated 29.06.2016, in CrI.A.M.P. No.84 of 2016 in CrI.A. No.335 of 2016 is hereby suspended till disposal of the CrI.A. No.335 of 2016. The other conditions in the order of the learned Sessions Judge shall stand unaltered.

Accordingly, the Criminal Revision Case is disposed of. Miscellaneous petitions, pending if any, shall stand closed.

RAJA ELANGO, J

July 12, 2016.
KTL