

THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT

CRL.P.NO.14508 OF 2016

O R D E R

In C.C.No.285/2014, by order dated 31.8.2016 the II Additional Judicial Magistrate of I Class, Kadapa found the present petitioner guilty for the offence punishable under Section 138 read with 142 of the Negotiable Instruments Act and sentenced him to suffer simple imprisonment for a period of four months. Aggrieved by the conviction and sentence, the petitioner/accused preferred appeal in CrI.A.No.170/2016 on the file of Principal Sessions Judge, Kadapa. Along with the appeal, he filed CrI.M.P.No.1630/2016 in CrI.A.No.170/2016 to suspend the sentence pending the appeal. The appellate court by order dated 19.9.2016 suspended the sentence on the same terms and conditions imposed by the trial court, subject to deposit of ten percent of the cheque amount before the trial court. Seeking for relaxation of the said condition, the petitioner/accused filed the present petition.

This court on 30.09.2016 while ordering notice, granted interim suspension to the extent of directing the petitioner to deposit ten per cent of the cheque amount for a limited period.

The learned counsel for the petitioner submitted that the petitioner has good case on merits; therefore, the court below ought not have imposed such a condition. She sought to direct the court below to dispose of the appeal at an early date.

On the other hand, the learned Additional Public Prosecutor submitted that it is the discretion of the court to impose condition while granting interim

suspension of the sentence and the same may not be interfered with by this court.

Having regard to the facts and circumstances and submissions of the learned counsel, I hereby direct the appellate court to dispose of the appeal filed by the petitioner in CrI.P.No.170/2016, without insisting on the deposit of ten per cent of the cheque amount, within a period of three months from the date of receipt of a copy of this order.

The criminal petition is accordingly allowed.

AVS

01—11—2016

