

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.5031 OF 2016

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ORDER:
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1. This petition is filed by the petitioner-accused under Section 482 Cr.P.C. seeking to quash the order dated 29.3.2016 passed in CrI.M.P.No.168 of 2016 in CrI.A.No.260 of 2016 by the VIII Additional Sessions Judge, Ranga Reddy District, L.B. Nagar.

2. The petitioner-accused was convicted and sentenced by the IV Special Magistrate, Hasthinapuram, Ranga Reddy District, in C.C.No.146 of 2014, vide judgment dated 29.2.2016, for the offence under Section 138 of the Negotiable Instruments Act, to undergo simple imprisonment for a period of nine months and to pay compensation of Rs.3,69,000/- under Section 357(3) Cr.P.C., within two months, in default, to suffer simple imprisonment for a period of two months. Aggrieved by the conviction and sentence, the petitioner filed Criminal Appeal No.260 of 2016 before the learned VIII Additional Sessions Judge, Ranga Reddy District at L.B. Nagar. Along with the appeal, the petitioner-accused filed the above CrI.M.P. seeking suspension of execution of the sentence. The learned Additional Sessions Judge suspended the sentence and compensation till disposal of the appeal on condition of the petitioner executing a bond for a sum of Rs.5,000/- with two sureties for the like sum each to the satisfaction of the IV Special Magistrate, Hasthinapuram, Ranga Reddy District and on further condition of the petitioner depositing a sum of Rs.1,00,000/- within seven days from the date of the order. Aggrieved by the said condition of deposit of Rs.1,00,000/-, the petitioner-accused filed this petition.

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 compensation, the imposition of such condition of deposit of one lakh rupees 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 Petition is disposed of with the following direction:

“The condition imposed by the learned VIII Additional Sessions Judge, Ranga Reddy District at L.B. Nagar, directing the petitioner to deposit 1,00,000/- within seven days from the date of order, vide the order challenged in this petition, is hereby set aside. Rest of the conditions imposed by the learned Additional Sessions Judge while suspending the sentence, shall remain.”

Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Date : 12.4.2016

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DATED 12.4.2016

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