

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.9326 OF 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to relax/modify the conditional order, dated 06.09.2017 in CrI.M.P.No.207 of 2017 in CrI.A.No.968 of 2017 on the file of the V Additional District and Sessions Judge, R.R. District at L.B.Nagar.

2. Heard the learned counsel for the petitioner.

3. A perusal of the record reveals that the petitioner-accused faced trial in C.C.No.27 of 2016 (old C.C.No.689 of 2014) on the file of the VII Special Magistrate, Hasthinapuram, L.B. Nagar, R.R. District. After full-fledged trial, the petitioner was found guilty for the offence punishable under Section 138 of the N.I. Act and accordingly, he was convicted and sentenced to undergo Rigorous Imprisonment for six months and also to pay a fine of Rs.20,10,000/-, in default of payment of fine, he shall suffer Simple Imprisonment for one month.

4. Aggrieved by the judgment, dated 10.08.2017, the petitioner preferred CrI.A.No.968 of 2017 on the file of the V Additional District and Sessions Judge, R.R. District at L.B.Nagar. Along with the appeal, the petitioner filed CrI.M.P.No.207 of 2017 for suspension of sentence. The 1st appellate Court suspended the sentence imposed against the petitioner during pendency of appeal and directed the petitioner to deposit 5% of the cheque amount. Hence, this petition.

5. It is settled principle of law that this Court shall not likely to interfere with the discretionary order passed by the Court below. In the instant case, the 1st appellate Court after taking into consideration the material available on record, directed to petitioner to deposit 5% of the cheque amount. Viewed from any angle, I am unable to accede to the contention of the learned counsel for the petitioner that the condition

imposed by the 1st appellate Court is onerous one. There is no illegality or irregularity in the order passed by the 1st appellate Court warranting interference of this Court.

6. Accordingly, the Criminal Petition is dismissed. Miscellaneous petitions, if any pending this Criminal Petition shall stand closed.

DATED: 10-10-2017

Hsd

T.SUNIL CHOWDARY, J

