

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

CRIMINAL REVISION CASE No.1463 of 2017

ORDER:

This Criminal Revision Case, under Sections 397 and 401 of the Code of Criminal Procedure, 1973, is directed against the order, dated 24.05.2017, of the learned V Additional District and Sessions Judge, Kothagudem, passed in CrI.M.P.No.253 of 2017 in CrI.A.No.100 of 2017 in C.C.No.363 of 2013.

2. I have heard the submissions of the learned counsel for the petitioner/accused and of the learned Public Prosecutor, State of Telangana. I have perused the material record.

3. The facts, which are necessary to be stated as a prelude to this order, in brief, are as follows:

The trial court while finding the accused guilty of the offence punishable under Section 138 of the Negotiable Instruments Act, 1881, sentenced him to suffer Simple Imprisonment for a period of one year and pay double the cheque amount i.e., Rs.12,20,000/- towards compensation and further imposed default sentence of Simple Imprisonment for a period of two months. The aggrieved petitioner/accused preferred an appeal before the Court below. During the pendency of the said appeal, the Court below by the orders impugned in this revision, while suspending the sentence of imprisonment passed by the trial court, directed the petitioner/accused to deposit Rs.6,10,000/- i.e., half of the compensation amount within a period of four weeks and further gave liberty to the first respondent-complainant to withdraw the said amount. Aggrieved thereof, the present revision case is filed.

4. The learned counsel for the petitioner/accused would submit that the appeal is still pending and that in the appeal before the Court below,

the petitioner/accused has got fair chance of success as he has raised certain important technical contentions viz., bar of limitation, non-receipt of statutory notice and denial of the issuance of cheque. He, therefore, submits that the conditions imposed in the order impugned are onerous and they need modification.

5. I have given detailed and thoughtful consideration to the facts and submissions. In the well considered view of this Court, the revision case can be disposed of at the stage of admission, however, with appropriate directions.

6. Accordingly, the Criminal Revision Case is allowed in part and the order of the Court below insofar as the direction with regard to the deposit of the amount is modified; and the petitioner/accused is directed to deposit 1/4th of the total compensation amount i.e., Rs.3,05,000/- (Rupees three lakhs five thousands only) within a period of six weeks from the date of receipt of a copy of this order instead of Rs.6,10,000/- as directed in the impugned order. The said deposit shall be without prejudice to the rights and contentions of both the parties in the pending appeal. On such deposit the first respondent-complainant is permitted to withdraw Rs.1,50,000/- (Rupees one lakh fifty thousands only) out of the said amount pending final disposal of the appeal and subject to the result of the appeal. The court below shall make an endeavour and dispose of the appeal as expeditiously as possible and preferably within three months from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE M.SEETHARAMA MURTI

June 7, 2017
Lmv