

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.3160 of 2017

ORDER:

This Criminal Petition under Section 439 (1)(b) of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed by the petitioner/appellant/Accused to suspend the operation of the order, dated 16-03-2017 passed in CrI.M.P.No.39 of 2017 in CrI.A.No.101 of 2017 on the file of the XIII Addl. District and Sessions Judge, Ranga Reddy.

The petitioner filed Criminal Appeal No.101 of 2017 challenging the judgment in C.C.No.84 of 2015, wherein he was found guilty of the offence punishable under Section 138 of Negotiable Instruments Act, 1881 while sentencing him to undergo imprisonment for six months and to pay compensation of Rs.11,10,000/-, in default six months simple imprisonment for one month.

The petitioner filed CrI.M.P.No.39 of 2017 in CrI.A.No.101 of 2017 to suspend the sentence, but the Sessions Judge suspended the operation of sentence of imprisonment, till the disposal of the appeal, on payment of 10% on the compensation amount i.e., Rs.1,10,900/- within 30 days. The said order is now under challenge before this Court mainly on the ground that there is every chance of petitioner succeeding in the main appeal and the appellate Court un-necessarily imposed the said condition in

suspending the sentence, which is harsh and the petitioner is not in a position to pay the said amount since he is Class-IV employee.

Status of the petitioner is irrelevant and the trial Court directed him to pay Rs.11,10,000/- towards compensation and the appellate Court graciously reduced the same to a minimum extent of 10% i.e., Rs.1,10,900/- extending sympathy towards the petitioner, therefore, the order passed by the appellate Court does not suffer any illegality. Hence, I find no ground to modify the order passed by the Sessions Judge in CrI.M.P.No.39 of 2017 in CrI.A.No.101 of 2017.

Accordingly, the Criminal Petition is dismissed.

Miscellaneous petitions, if any, pending in this criminal petition, shall stand closed.

JUSTICE M. SATYANARAYANA MURTHY

April 26, 2017

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