

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL REVISION CASE No.1789 of 2005

JUDGMENT:

This Criminal Revision Case, under Sections 397 and 401 Cr.P.C, is filed challenging the conviction and sentence passed by the IV Additional Judicial Magistrate of First Class, Warangal, in C.C.No.01 of 2000 dt.12.02.2004, whereby the Court found the appellant/accused guilty for the offence under Section 138 of NI Act and convicted and sentenced him to undergo RI for three months and to pay a fine of Rs.5000/- with default sentence.

Aggrieved by the Conviction and sentence imposed by the trial Court in C.C.No.01 of 2000, the appellant preferred an appeal before I Additional Sessions Judge, Waranagal, whereby the Court confirmed the conviction and sentence imposed by the trial Court, while dismissing the appeal.

Aggrieved by the judgment of Appellate Court, the Appellant/accused preferred the present Revision Case on various grounds.

During hearing, Sri P. Prebhakar Reddy, learned counsel for Appellant, contended that the appellant executed the promissory note for the debt due by him and the respondent No.2 herein filed a suit against the accused for recovery of the amount and obtained Decree and Judgment vide Ex.P.9. It is also brought to the notice of this Court that the respondent recovered the decretal amount by execution of the decree and

EP was terminated. It is also brought to the notice of this Court that the appellant had already served SI for one month 17 days after pronouncing the judgment by the trial Court till releasing on bail on 26.10.2005 and requested this Court to limit the substantive sentence of imprisonment imposed by the trial Court to the punishment he already served.

As seen from the material on record, the trial Court and the Appellate Court found the accused guilty for the offence under Section 138 of NI Act, after due consideration of entire material. But, now the question before this Court is with regard to sentence. The trial Court and the Appellate Court already took lenient view while imposing sentence. However, by now, the appellant served substantive sentence of one month 17 days and the balance of sentence is only one month 13 days approximately, as contended by the learned counsel for appellant.

Taking into consideration of mitigating circumstances of the case, the substantive sentence of punishment imposed by the trial Court is reduced to the sentence already undergone by the appellant i.e., one month 17 days, while enhancing fine amount from Rs.5,000/- to Rs.7,000/- to commensurate the sentence with the gravity of the offence since the amount involved in this case is Rs.1,90,000/-. Out of fine of Rs.7,000/-, Rs.5,000/- (Rupees Five Thousand only) shall be paid as compensation to complainant under Section 357(3) Cr.P.C.

With the above modification, this Criminal Revision Case is disposed of.

As a sequel, miscellaneous petitions, if any, pending in this case, shall stand dismissed.

M. SATYANARAYANA MURTHY, J

Date: 10-08-2017.
eha



HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CrI.R.C. No.1789 of 2005
Dt. 10-08-2017

eha

