

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.8189 of 2017

ORDER:

This criminal petition is filed under Section 440(2) of Cr.P.C., seeking modification of the order dated 21.8.2017 in CrI.M.P.No.184 of 2017 in Criminal Appeal No.141 of 2017 on the file of the Court of VIII Additional Sessions Judge, Miryalaguda.

2. Heard the learned counsel for the petitioner and perused the material available on record.

3. The petitioner faced trial in C.C.No.837 of 2013 on the file of the Court of Special Magistrate, Miryalaguda. He was found guilty for the offence under Section 138 of the Negotiable Instruments Act, convicted and sentenced to undergo rigorous imprisonment for a period of one year and to pay compensation of Rs.5,00,000/- in default to suffer simple imprisonment for three months, vide judgment dated 03.8.2017 in C.C.No.837 of 2013. Aggrieved by the conviction and sentence, the petitioner preferred Criminal Appeal No.141 of 2017 on the file of the Court of VIII Additional Sessions Judge, Miryalaguda. Along with the appeal, the petitioner filed CrI.M.P.No.184 of 2017 for suspension of the sentence and payment of compensation of Rs.5,00,000/-. The appellate court allowed the petition suspending the operation of the sentence on condition of the petitioner depositing Rs.50,000/- to the credit of C.C.No.837 of 2013 within fifteen (15) days. Seeking reduction of the deposit amount, the present petition is filed.

4. At the time of hearing, the only point urged by the learned counsel for the petitioner is that the condition imposed by the appellate court directing to deposit Rs.50,000/- in addition to the amount already deposited is onerous one. It is needless to say that this Court shall not lightly interfere with the discretionary orders passed by the Courts below. In the instant case, the appellate court directed the petitioner to deposit Rs.50,000/- in addition to Rs.25,000/-, which was said to have been already deposited by the petitioner. The cheque amount is Rs.5,00,000/-.

5. Taking into consideration the facts and circumstances of the case, this Court is of the considered view that directing the petitioner to deposit Rs.50,000/- by granting fifteen days time is not an onerous one. There is no illegality or irregularity in the orders passed by the appellate Court; hence, the petition is liable to be dismissed.

6. Accordingly, the criminal petition is dismissed. Miscellaneous petitions, if any pending in this criminal petition shall stand closed.

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T.SUNIL CHOWDARY, J

Date: 11.9.2017

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