

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL REVISION CASE NO.1441 OF 2006

ORDER:

This criminal revision case is filed under Sections 397 & 401 Cr.P.C questioning the legality and propriety of the order in CrI.A.No.323 of 2004 dated 16.05.2006 passed by the IX Additional District & Sessions Judge (FTC), Guntur, setting aside the substantive sentence of imprisonment, while imposing fine of compensation under Section 357(2) Cr.P.C for the offence punishable under Section 138 of Negotiable Instruments Act.

The petitioner is the complainant, dissatisfied about reducing the sentence of imprisonment while ordering compensation, filed the present criminal revision case on the ground that the sentence imposed by the Appellate Court is flea bite sentence, since the substantive imprisonment is set-aside and imposed fine as compensation and it is contrary to the principle laid down in “**Suganthi Suresh Kumar v. Jagdeeshan**”¹, wherein, the Apex Court held that if the sentence imposed by the trial Court is reduced, further it would amount to imposing flea-bite sentence, which is impermissible and it will not commensurate with the seriousness and gravity of the offence.

Learned counsel for the respondent represented that the matter is already settled outside the Court and he received telephonic communication. But, the learned counsel for the

¹ AIR 2002 SC 681

petitioner submitted that he did not receive any such instructions from his client.

However, as the sentence of imprisonment is flee-bite sentence, in view of the settlement made outside the Court, I find that no further adjudication is required in this matter. Hence, the criminal revision case is dismissed, in view of the settlement between the parties, as represented by the learned counsel for the respondent.

In the result, criminal revision case is dismissed.

Consequently, miscellaneous applications pending if any, shall stand dismissed. No costs.

Date:06.10.2017

SP

JUSTICE M. SATYANARAYANA MURTHY

