

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4252 of 2017

ORDER:

This petition is filed under Section 482 read with 389(1) Cr.P.C. seeking to modify the order dated 27.04.2017 in CrI.M.P.No.61 of 2017 in CrI.A.No.459 of 2017 on the file of the Additional Metropolitan Sessions Judge, Cyberabad, at L.B.Nagar, Hyderabad.

2. Heard the learned counsel for the petitioner and the learned counsel for the first respondent.

3. A perusal of the record reveals that the petitioner faced the trial in C.C.No.178 of 2015 on the file of the Court of IV Special Magistrate, Hasthinapuram, L.B.Nagar, Ranga Reddy District, for the offence punishable under Section 138 of NI Act. After full fledged trial, the trial Court arrived at a conclusion that the accused was found guilty for the offence under Section 138 of NI Act, convicted and sentenced him to undergo Simple Imprisonment for a period of six months and to pay a sum of Rs.3,92,000/- towards compensation to the complainant within two months. Feeling aggrieved by the judgment dated 15.03.2017 in C.C.No.178 of 2015, the complainant preferred Criminal Appeal No.459 of 2017 on the file of the Additional Metropolitan Sessions Judge, Cyberabad. Along with the appeal, the petitioner filed a petition in CrI.M.P.No.61 of 2017 under Section 389(1) Cr.P.C. for suspension of sentence and compensation amount.

4. The first appellate Court while suspending the sentence on 27.04.2017 directed the petitioner to deposit half of the compensation amount within one month from the date of order.

5. Learned counsel for the petitioner submitted that the petitioner is not in a position to secure half of the compensation amount. Learned counsel for the first respondent strenuously submitted that the appellate Court rightly passed the order, therefore, it is not a fit case to interfere with the same.

6. There is no doubt the Court can impose reasonable conditions while suspending the sentence and payment of compensation. The cheque amount is Rs.3,92,000/-. Taking into consideration the facts and circumstances of the case, this Court is of the considered view that it is a fit case to modify the order passed by the first appellate Court.

7. In the result, the criminal petition is ordered and the petitioner is directed to deposit 1/4th of the compensation amount instead of half as directed by the first appellate Court, within a period of fifteen (15) days from today.

30th August, 2017
Rns

T.SUNIL CHOWDARY, J