

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

CRIMINAL REVISION CASE No.1369 OF 2017

ORDER:

This Criminal Revision Case, under Sections 397 and 401 of the Code of Criminal Procedure, 1973, is directed against the order, dated 01.05.2017, of the learned V Additional District and Sessions Judge, Kothagudem, passed in CrI.M.P.No.234 of 2017 in CrI.A.No.83 of 2017, whereby the said learned Additional Sessions Judge, while suspending the execution of sentence of imprisonment passed in the judgment, dated 20.04.2017, of the learned III Additional Judicial Magistrate of First Class, Kothagudem, passed in C.C.No.111 of 2016, directed the petitioner-accused to comply with the condition of depositing Rs.1,50,000/- within a period of four weeks from the date of the said order.

2. Learned counsel for the petitioner would submit that the petitioner – accused has got fair chance to succeed in the appeal and that the condition imposed is onerous and, therefore, it is to be set aside and a blanket suspension of the judgment of the trial Court is to be ordered in the interest of justice.

3. Having perused the material record and given earnest consideration to the facts and submissions, this Court is of the considered view that the revision can be disposed of at the stage of admission with appropriate directions.

4. Accordingly, the Criminal Revision Case is allowed in part and the order impugned is modified and the sentence of imprisonment imposed against the petitioner - accused in the

judgment, dated 20.04.2017, passed by the learned III Additional Judicial Magistrate of First Class, Kothagudem, in C.C.No.111 of 2016 is suspended on the same terms, subject, however, to the condition of the petitioner - accused depositing Rs.75,000/- (Rupees seventy five thousand only) within four (4) weeks from the date of receipt of a copy of this order. Such deposit shall be without prejudice to the rights and contentions of both the parties in the appeal before the Court below. On such deposit, the trial Court shall invest the same in a fixed deposit without releasing the amount to the complainant till the further orders of the Court below in which the appeal of the petitioner is pending. It is needless to state that the 1st respondent herein is at liberty to move the Court below for withdrawal of the deposited amount, if he so desires; and, any such application filed by the 1st respondent in that regard shall be disposed of by the Court below in strict accordance with the procedure established by law.

Miscellaneous petitions, if any, pending in this Criminal Revision Case shall stand closed.

M.SEETHARAMA MURTI, J

June 01, 2017
MD