

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CRIMINAL PETITION No.8051 of 2017

ORDER:

This petition is filed under Section 440(2) read with 482 Cr.P.C. seeking modification of the order dated 04.07.2017 in CrI.M.P.No.168 of 2017 in Criminal Appeal No.724 of 2017 on the file of the Court of the XVI Additional District and Sessions Judge-cum-XVI Additional Metropolitan Sessions Judge, Ranga Reddy District at Malkajgiri.

2. Heard the learned counsel for the petitioner.

3. A perusal of the record reveals that the petitioner-accused faced the trial in C.C.No.19 of 2016 on the file of the Court of the Special Magistrate-I, Cyberabad at Malkajgiri, for the offence punishable under Section 138 of the Negotiable Instruments Act. After full-fledged trial, the trial Court arrived at a conclusion that the petitioner was found guilty for the offence punishable under Section 138 of the Negotiable Instruments Act and accordingly, convicted and sentenced him to undergo rigorous imprisonment for a period of two years and also sentenced to pay a fine of Rs.30,00,000/- and in default of payment of fine amount, the petitioner shall undergo simple imprisonment for a period of six months.

4. Feeling aggrieved by the conviction and sentence, the petitioner preferred Criminal Appeal No.724 of 2017 on the file of the Court of the XVI Additional District and Sessions Judge-cum-XVI Additional Metropolitan Sessions Judge, Ranga Reddy District at Malkajgiri. Along with the appeal, the petitioner filed

Crl.M.P.No.168 of 2017 seeking suspension of the sentence and payment of fine amount. The appellate Court allowed the petition suspending the operation of the sentence till disposal of the appeal on condition of the petitioner depositing fine amount of Rs.4,00,000/- on or before 03.08.2017. Seeking reduction of the fine amount, the present petition is filed.

5. It is a settled principle of law that this Court shall not lightly interfere with the discretionary orders passed by the Court below. In the instant case, the appellate court directed the petitioner to deposit fine amount of Rs.4,00,000/-.

6. Taking into consideration the facts and circumstances of the case, this Court is of the considered view that directing the petitioner to deposit fine amount of Rs.4,00,000/- on or before 03.08.2017 is not an onerous one. There is no illegality or irregularity in the order passed by the appellate Court; hence, the petition is liable to be dismissed.

7. Accordingly, the criminal petition is dismissed.

T.SUNIL CHOWDARY, J

Date: 07.09.2017

Ivd