

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRL.P.No.11684 OF 2017

ORDER:

This criminal petition is filed under Section 482 of Cr.P.C to quash the proceedings in CrI.M.P.No.244 of 2017 in CrI.A.No.1185 of 2017 on the file of VIII Additional District and Sessions Judge, Ranga Reddy District at L.B.Nagar, whereby the appellate Court directed the petitioner to deposit Rs.1,50,000/- as compensation out of Rs.6,80,000/- while granting stay of further proceedings on or before 27.11.2017 before the trial Court.

The only ground urged before this Court is that the petitioner is not in a position to deposit Rs.1,50,000/- as compensation out of Rs.6,80,000/- and it is unreasonable amount, virtually it amounts to denying the relief in the petition and requested this Court to set aside the impugned order exercising inherent power under Section 482 of Cr.P.C.

Learned counsel for the petitioner while reiterating the contentions contended that the Court below did not appreciate the evidence with reference to the contentions raised regarding the issue of cheque not towards legally enforceable debt etc. But this Court cannot go into this aspect while deciding the legality of the impugned order.

The scope of this Court under Section 482 Cr.P.C. is limited. Nothing in this Code shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be

necessary to give effect to any order under this Code, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice.

In the present case on hand, the trial Court disbelieved the defence set up by the accused and found him guilty for the offence punishable under Section 138 of the Negotiable Instruments Act, sentenced him to undergo imprisonment for one year and ordered to pay compensation of Rs.6,80,000/- under Section 357(3) of Cr.P.C. In the appeal filed by the petitioner, a petition was filed for grant of stay under Section 389(1) of Cr.P.C. While disposing the said petition, the appellate Court passed the impugned order.

The Apex Court in **Dilip S.Dhanukar Vs. Kotak Mahindra Co. Ltd., and Anr.**¹, laid down guidelines to directing the accused to deposit compensation in appeal. In view of the law declared by the Apex Court, the compensation shall not be unjust and reasonable. In the present case, the petitioner was ordered to pay Rs.6,80,000/- towards compensation, but the appellate Court ordered to deposit less than 1/4th of the compensation awarded by the trial Court. Therefore, it is not unjust and unreasonable, thereby the question of reducing the compensation to be deposited does not arise. Otherwise, if for any reason, the amount is ordered to be reduced, it is nothing but giving unfair advantage to the petitioner at the cost of the respondent. Therefore, exercising jurisdiction under Section

¹ (2007) 6 SCC 528

482 Cr.PC. does not arise and consequently, the criminal petition is liable to be dismissed.

Accordingly, the criminal petition is dismissed at the stage of admission.

Pending miscellaneous petitions in the petition, if any, shall stand closed.

M.SATYANARAYANA MURTHY,J

28.11.2017
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