

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.918 OF 2018

ORDER:

This Criminal Petition is filed seeking for modification of the condition imposed by the learned Metropolitan Sessions Judge, Hyderabad (for short, 'the Court below'), in CrI.M.P. No.3440 of 2017 in Criminal Appeal No.1410 of 2017, while suspending the sentence of imprisonment imposed, in C.C. No.541 of 2016 by the learned XX Additional Chief Metropolitan Magistrate, Hyderabad (for short, 'the trial Court'), against the 2nd petitioner/accused No.1.

2. The condition being that the 2nd petitioner has to deposit 50% of the cheques amount. Learned counsel for the petitioners submits that the cheques amount is Rs.30,00,000/- and half of the same comes to Rs.15,00,000/-; the trial Court in the judgment in C.C. No.541 of 2016, did not even award any compensation; it only imposed fine. Hence, in the light of that fact, the petitioners' counsel submits that it is an onerous condition. This Court is also in agreement with the said submission. But, however, considering that the 2nd petitioner was found guilty, this Court opines that though this is a fit case for modification of the said condition, it is not a case for totally setting-aside the said condition. Accordingly, the Criminal Petition is allowed. The 2nd petitioner is directed to deposit 10% of the cheques amount instead of 50% as ordered by the Court below. Except this modification, the rest of the impugned order shall remain intact.

As a sequel, the miscellaneous applications, if any pending, shall stand closed.

T. RAJANI, J

Date: 02.02.2018.
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