

HON'BLE SRI JUSTICE P. KESAVA RAO

CRIMINAL REVISION CASE No.219 of 2018

ORDER:

Heard the learned counsel for the petitioner as well as the first respondent.

The present criminal revision case is filed questioning the orders dated 20.12./2017 in CrI.M.P.No.175 of 2017 in CrI.A.No.1293 of 2017 on the file of the Additional Metropolitan Sessions Judge, Cyberabad at L.B. Nagar, Ranga Reddy District.

The facts of the case are that the petitioner herein is an accused for the offence under Section 138 of the Negotiable Instruments Act. On trial, the petitioner has been convicted under Section 255(2) Cr.P.C. and sentenced to undergo simple imprisonment for a period of six months to pay a fine of Rs.5 lakhs for the offence under Section 138 of the Negotiable Instruments Act. Out of the fine amount, the petitioner/accused shall pay a sum of Rs.10,000/- to the State. In default, to suffer simple imprisonment for a period of three months. The remaining amount of Rs.4,90,000/- is awarded as compensation to the first respondent/complainant under Section 357(1) Cr.P.C. Aggrieved by the said orders, the petitioner filed an appeal in CrI.A.No.1293 of 2017 on the on the file of the Additional Metropolitan Sessions Judge, Cyberabad at L.B. Nagar, Ranga Reddy District. Pending the appeal, he filed a petition in CrI.M.P.No.175 of 2017 seeking suspension of the sentence and compensation awarded against him by the trial Court. The appellate Court after hearing, was pleased to pass the following order:

"In the result, the petition is allowed, suspending the operation of sentence of imprisonment and compensation ordered by the lower court upon the petitioner furnishing two sureties for Rs.5,000/- (Rupees five thousand only) each, apart from the personal bond to the satisfaction of the V Special Magistrate, at Hasthanapuram, R.R. District and also the petitioner/appellant is directed to deposit of

Rs.1/4th of the compensation amount within one month from the date of this order. In case of his failure on the part of the accused to pay the compensation amount as directed, the bail stands cancelled."

The learned counsel appearing for the petitioner would contend that the lower appellate Court while granting suspension of the operation of the sentence and compensation, ought not to have imposed the condition of depositing of 1/4th of the compensation amount within one month from the date of the order and that the said imposition of condition is onerous. Therefore, that part of the impugned order is liable to be set aside. Per contra, the learned counsel for the first respondent opposed the same.

Having heard both the learned counsel and a perusal of the material on record, this Court is of the opinion that there is no irregularity or illegality in the order passed by the Court below, since the fine amount as awarded was converted into compensation to be paid to the first respondent. Hence, there are no merits in the revision case and the same is liable to be dismissed.

Accordingly, the criminal revision case is dismissed. However, the time granted in CrI.M.P.No. 175 of 2017 for deposit of the 1/4th compensation amount is extended by three weeks from today.

Miscellaneous petitions, if any, shall also stand dismissed.

P. KESHA VA RAO, J

Date: 16.07.2018.

Note:

Furnish C.C. by 17.7.2018.
B/O
CCM

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