

HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

Crl. R.C. No.180 of 2018

ORDER:

This Criminal Revision is preferred by the petitioner/appellant/accused aggrieved by the order dated 12.01.2018 in Crl.M.P.No.65 of 2018 in Criminal Appeal No.14 of 2018 on the file of Metropolitan Sessions Judge, Hyderabad, whereunder learned Judge while granting suspension of sentence of imprisonment directed the petitioner to deposit one half of the cheque amount (cheque amount is Rs.4,44,000/-) on or before 31.01.2018.

2) The main plank of argument of learned counsel for petitioner is that the amount directed to be deposited is exorbitant and onerous one as the petitioner is unable to deposit the said amount in the present circumstances. He would submit that the petitioner is working as Constable in RPF at Hyderabad and drawing a meager amount of Rs.42,853/- and he is having family to support and therefore, considering his financial position, the amount directed to be deposited may be reduced. He would place on record the decision in *Dilip S.Dahanukar vs. Kotak Mahindra Co.Ltd and another*¹ to submit that Hon'ble Apex Court held that in such circumstances the amount directed to be deposited shall be reasonable one but not burdensome one.

3) It is seen that the lower Appellate Court directed the petitioner to deposit one half of the cheque amount which comes to Rs.2,22,000/-. Even

¹ (2007) 6 SCC 528

as per the copy of the Salary Certificate produced by the learned counsel for petitioner, the petitioner is receiving a gross salary of Rs.42,853/-. Except the statutory deductions towards Income Tax and Professional Tax which put together comes to Rs.3,876/-, all other deductions are relating to his contributions and personal loans. In my considered view, they cannot be deducted from the gross salary to hold that he is getting only a meager amount. In that view of the matter, the Appellate Court's direction to deposit one half of the cheque amount cannot be said to be wholly burdensome and beyond his capacity to deposit. Therefore, I find no merit in the said argument. However since the time to deposit the aforesaid amount as fixed by the lower Appellate Court ends by today, this Court finds it apposite to extend the time.

4) In that view of the matter, while dismissing the CrI.R.C, time granted by the lower Appellate Court is extended by eight(8) weeks.

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

U. DURGA PRASAD RAO, J

Date: 31.01.2018

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