

SMT JUSTICE T.RAJANI

CRIMINAL PETITION NO.917 OF 2018

ORDER:

This Criminal Petition is filed seeking relaxation of the condition imposed in CrI.MP.No.3334 of 2017 in CrI.A.No.1373 of 2017 dated 28.12.2017 on the file of the Metropolitan Sessions Judge, Hyderabad in a petition which was filed seeking suspension of sentence.

By the impugned order, the petitioners were directed to pay Rs.10 lakhs out of the compensation amount, that was awarded by the Court below which is Rs.20 lakhs.

Counsel for the petitioners submits that the order imposing fine and also awarding compensation is illegal in view of the judgment in **R.Vijayan v. Baby and Anr.**¹, wherein the Apex Court held that only where sentence does not include fine but only imprisonment and Court finds that person who suffered loss or injury by reason of act of accused, then the Court is permitted to award compensation under Section 357(3) of the Code of Criminal Procedure.

Considering the above, the said condition can be set aside.

Accordingly, the Criminal Petition is allowed and the condition of directing the petitioners to pay Rs.10 lakhs is set aside. Rest of the order remains in tact. Miscellaneous petitions, if any, pending shall stand closed.

(T.RAJANI, J)

2nd February 2018
RRB

¹ 2012 CrI.L.J. 846