

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

I.A.2 of 2018 in Criminal Petition No.2615 of 2018
in/and
Criminal Petition No.2615 of 2018

ORDER :

The appellant/ accused impugning the conviction judgment maintained the appeal vide CrI.A.No.82 of 2018 before the learned Metropolitan Sessions Judge, at Hyderabad and sought for suspension of sentence pending the appeal in CrI.M.P.No.380 of 2018 and by order dt.06.02.2018, the learned Sessions Judge, suspended the sentence of imprisonment imposed by the trial Court and so far as fine/ compensation is concerned, directed the petitioner to deposit half of the cheque amount on or before 09.03.2018. Now the complainant filed I.A.No.2 of 2018 seeking to vacate the interim order passed by this Court dt.07.03.2018 suspending the condition imposed by the lower appellate Court, dt.06.02.2018.

Heard both sides and from the expression of the Apex Court in Dilip S. Dahanukar V. Kotak Mahindra Co. Ltd.¹, the 50% of the fine amount to be paid by the petitioner imposed by the lower appellate Court is altered to 1/6th of the fine/ compensation amount, to pay or deposit on or before 29.06.2018. Failing which the trial Court can enforce for recovery of the compensation amount by levying u/ sec.421 r/w 431 Cr.P.C. In the event of the petitioner deposits the amount, the respondent/complainant is permitted to withdraw the amount subject to furnishing of security to make good in the event of reversal of the trial Court judgment in the pending appeal.

Having regard to the above, the I.A.No.2 of 2018 and the Criminal Petition are disposed of. Consequently, miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:15.06.2018
Vvr

¹ ((2007)6 SCC 528)