

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.3203 of 2018

ORDER:

This Criminal Petition is filed to relax the condition imposed by the Metropolitan Sessions Judge, Hyderabad, while granting stay in Criminal Appeal No.81 of 2018 preferred against the conviction and sentence passed by X Special Magistrate, Hyderabad in C.C.No.294 of 2016 dt. 10.01.2018 convicting and sentencing him for the offence under Section 138 of NI Act.

The Appellate Court in CrI.M.P No. 370 of 2018 directed this petitioner to pay half of the cheque amount on or before 09.03.2018 while granting stay in the Appeal.

During hearing, learned counsel for the petitioner would draw the attention of this Court to the judgments reported in *C. Murugesan v Prabakaran and another*¹ and *R. Vijayan v Baby and another*². On the strength of the those principles, he contended that the Order passed by the Appellate Court is erroneous and prayed to relax the condition imposed in CrI.M.P.No.370 of 2018.

The Appellate Court basing relying on the judgment of the Apex Court in *Stanny Felix Pinto Vs. Jangid Builders Pvt. Ltd*³, wherein the Apex Court held that while granting stay, the Court can direct the party to deposit reasonable amount during pendency of the appeal and therefore, the Appellate Court rightly concluded that 50% is a reasonable amount. The judgments relied on by the learned counsel for the petitioner have no application to the present facts of the case. Thus, the Order

¹ 2011 CRI.L.J 4570

² 2012 CRI.L.J.846

³ 2001(2) SCC 416

passed by the Appellate Court does not warrant interfere of this Court in the present petition and consequently, this petition is liable to be dismissed.

Accordingly, this Criminal Petition is dismissed.

Miscellaneous Petition, if any pending, in this case, shall stand dismissed.

M. SATYANARAYANA MURTHY, J

Date: 22-03-2018
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HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY



Crl.P. No.3203 of 2018

Dt. 22-03-2018

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