

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.3305 OF 2018

ORDER:

This criminal petition is filed under Section 482 Cr.P.C to reduce the amount ordered to be deposited by the Metropolitan Sessions Judge, Hyderabad in CrI.M.P.no.316 of 2018 in CrI.A.No.70 of 2018 dated 02.02.2018, whereby, the Appellate Court while suspending the substantive sentence of imprisonment imposed on the petitioner, directed him to deposit half of the cheque amount, by following the judgment of the Supreme Court in **Stanny Felix Pinto V/s. Jangid Builders Pvt. Ltd. and Anr¹**. Aggrieved by the order passed by the Court below, the present criminal petition is filed, as the material on record is suffice to conclude that the petitioner did commit no offence and issuing such direction to deposit half of the cheque amount is illegal and prayed to set-aside the order.

Admittedly, the first respondent/defacto complainant filed private complaint for the offence punishable under Section 138 of Negotiable Instruments Act and after full-fledged trial, the petitioner was sentenced to pay fine of Rs.3,00,000/- and out of the fine amount Rs.2,90,000/- is ordered to be payable to the complainant under Section 353(1)(b) Cr.P.C and issuing such direction to pay 50% of the cheque amount is in consonance with the principle laid down by the Supreme Court in **Stanny Felix Pinto V/s. Jangid Builders Pvt. Ltd. and Anr** (referred supra). Therefore, the condition imposed by the Court below is in

¹ (2001)2 SCC 416

consonance with the principle laid down by the Supreme Court. Hence, the direction issued by the Court below is confirmed and the criminal petition is liable to be dismissed. However, the petitioner is granted four months time to comply with the direction issued by the Court below.

In the result, the criminal petition is dismissed.

Consequently, miscellaneous applications pending if any, shall also stand dismissed. No costs.

Date:27.03.2018

SP

JUSTICE M. SATYANARAYANA MURTHY

