

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.3474 OF 2018

ORDER:

This Criminal Petition is filed under Section 389 of the Code of Criminal Procedure, 1973 (for short 'CrPC') to relax the condition imposed by the IV Additional Sessions Judge, Guntur, in CrI.M.P. No.168 of 2018 in CrI.A.No.79 of 2018 by order dated 26.02.2018, whereby the learned Sessions Judge directed the petitioner to deposit the entire cheque amount of Rs.5,00,000/- within 30 days to suspend the substantive sentence of imprisonment.

The criminal petition is filed on the ground that the condition imposed by the learned Sessions Judge is unreasonable and contrary to the principle laid down by the Apex Court in **Dilip S.Dahanukar Vs Kotak Mahindra Company Limited**¹. In view of the principle laid down by the Apex Court, the court can direct the accused to deposit reasonable amount and imposing unreasonable conditions would directly amount to denial of relief.

Therefore, applying the principle laid down in **Dilip S.Dahanukar** case referred supra, the condition imposed by the IV Additional Sessions Judge, in CrI.M.P. No.168 of 2018 in CrI.A.No.79 of 2018 is modified permitting the petitioner to deposit the 50% of the cheque amount within six (6) weeks from today. In the event of failure to deposit the amount as directed by this Court, the order shall stand vacated automatically without reference to this Court.

With the above modification, the criminal petition is disposed of.

M.SATYANARAYANA MURTHY, J

02.04.2018
BV

¹ (2007) 6 SCC 528