

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.3628 OF 2018

ORDER:

This petition is filed under Section 482 of Criminal Procedure Code (for short "Cr.P.C.") by the petitioner to modify the order dated 23.01.2018 passed in CrI.M.P.No.215 of 2018 in CrI.A.No.47 of 2018 by the Metropolitan Sessions Judge, Hyderabad, whereby the petitioner was directed to deposit half of the cheque amount on or before 26.02.2018 while granting suspension of substantive sentence and payment of compensation.

In the present case, it is contended that the order passed by the trial Court is virtually denying suspension of sentence since the direction issued by the appellate Court is unreasonable.

Sri Harsh Kumar Asthana, learned counsel for the petitioner, contended that the petitioner is ready to deposit 10% of the cheque amount since the amount directed to be deposited is unreasonable.

No doubt, the appellate Court issued direction to deposit half of the cheque amount. What is reasonable and unreasonable amount depends upon the facts of each case. The Apex Court in "***Dilip S.Dahanukar v Kotak Mahindra Company Limited***¹" held that the Court can impose reasonable conditions while suspending substantive sentence of imprisonment. What is reasonable amount is not known. For deciding what is reasonable and unreasonable amount, the financial capacity of parties, facts and circumstances of the case have to be taken into consideration.

But the affidavit is bereft of such ground. Therefore, following the law laid down in "***Dilip S.Dahanukar v Kotak Mahindra Company Limited***" the appellate Court exercised its jurisdiction and

¹ (2007) 6 SCC 528

which warrants no interference by this Court. Consequently, the petition is liable to be dismissed.

In the result, the petition is dismissed.

Consequently, miscellaneous petitions pending, if any, shall also stand dismissed.

JUSTICE M. SATYANARAYANA MURTHY

02.04.2018
Ksp

