

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.3705 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 26.12.2017 passed in CrI.M.P.No.706 of 2017 in CrI.A.No.1336 of 2017 by the XIII Additional Sessions Judge – cum – Additional Metropolitan Sessions Judge, Cyberabad at L.B.Nagar, whereby the operation of sentence of imprisonment is suspended on petitioner depositing 25% of the compensation amount and on executing a bond for Rs.10,000/- with two sureties for like sum to the satisfaction of Special Magistrate, Cyberabad at Hayathnagar.

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 P.Shraavan Kumar Goud, learned counsel for the petitioner, contended that the petitioner is ready to deposit 10% of the compensation amount since the amount directed to be deposited is unreasonable.

No doubt, the appellate Court issued direction to deposit 25% of compensation. 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.

¹ (2007) 6 SCC 528

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 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

