

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No. 3848 OF 2018

ORDER:

This petition is filed, under Section 389 (1) of the Code of Criminal Procedure, 1973, for modification of the condition imposed by order dated 19-01-2018 in Criminal M.P.No. 62 of 2018 in Criminal Appeal No. 10 of 2018 on the file of the Court of Metropolitan Sessions Judge, Hyderabad (for short, 'the Court below'), whereby the Court below imposed a condition that the petitioner-appellant shall deposit half of the cheque amount on or before 31-01-2018 while suspending the operation of judgment dated 04-12-2017 in C.C.No. 198 of 2016 (Old No. 2184 of 2016) on the file of the Court of XV Special Magistrate, Hyderabad.

2. Learned counsel for the petitioner submits that the condition imposed by the Court below is onerous and imposition of unreasonable condition would amount to denial of relief and that the petitioner is in financial crisis and not able to comply with the direction issued by the Court below.

3. No doubt, imposition of unreasonable condition amounts to denial of relief. However, the Court can impose reasonable condition and what is reasonable condition depends upon facts and circumstances of each case which varies from case to case. The plea of learned counsel for the petitioner that the petitioner is in financial crisis is not based on any material.

4. Having regard to the facts and circumstances of the case and considering the fact that the petitioner is a businesswoman,

I find that the condition imposed by the Court below is reasonable and I find no reason to interfere with the order of the Court below and therefore the criminal petition is liable to be dismissed.

5. The criminal petition is accordingly dismissed. Pending miscellaneous petitions if any shall stand dismissed in consequence.

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M.SATYANARAYANA MURTHY, J.

29-04-2018.  
JSK

