

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY**CRIMINAL PETITION No.4118 of 2018****ORDER:**

This Criminal Petition, under Section 482 Cr.P.C., is filed by the petitioner to modify the Order dt. 15.02.2018 in CrI.M.P.No.87 of 2018 in CrI. Appeal No.138 of 2018 passed by XIII Additional Sessions Judge, Ranga Reddy District, Telangana State, whereby the Court while granting suspension of sentence imposed a condition that the petitioner shall deposit 25% of the compensation amount before the lower Court within a period of three months from the date of the order.

The petitioner is accused in C.C.No.77 of 2015 on the file of VII Special Magistrate, Cyberabad at Hashinapuram, R.R.District. After full fledged trial, the trial court found the accused guilty and sentenced to undergo rigorous imprisonment for a period of six months besides payment of compensation amount. Thereafter, the petitioner filed an application along with Appeal to suspend the substantive sentence and payment of compensation, but the Appellate Court directed the petitioner to deposit 25% of the compensation amount in terms of Section 357(3) Cr.P.C while granting bail.

The main contention of the learned counsel for the petitioner is that petitioner is not in a position to deposit 25% of the amount as the petitioner underwent treatment in a hospital recently and requested this Court to permit the petitioner to furnish LIC Bond as security for the said compensation amount. But, the Appellate Court imposed a condition to deposit 25% of the compensation amount.

As per the Judgment reported in *Dilip S Dahanukar v Kotak Mahindra Company Limited*¹, the Court can impose reasonable condition while suspending substantive sentence and granting stay of payment of compensation.

Taking into consideration the facts and circumstances of the case, the condition imposed by the Appellate Court to deposit 25% of the compensation amount is reasonable and therefore, this Court cannot interfere with such an order. Further, furnishing of LIC policy as security, as requested by the learned counsel for the petitioner, cannot be accepted for the reason that the payment of policy amount would arise only after maturity or in the specified contingency and therefore, the request made by the learned counsel for the petitioner cannot be acceded and therefore, this petition is liable to be dismissed.

Accordingly, this Criminal Petition is dismissed. However, the time fixed by the Appellate Court in CrI.M.P.No.87 of 2018 in CrI.A.No.138 of 2018 is extended for another two weeks from today.

Miscellaneous Petition, if any pending, in this case, shall stand dismissed.

M. SATYANARAYANA MURTHY, J

Date: 11-04-2018
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¹ 2007 Law Suit (SC) 422

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY



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