

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRL.P.No.4296 OF 2018

ORDER:

This criminal petition is filed under Section 439(1)(b) Cr.P.C to relax the conditions imposed in Crl.M.P.No.120 of 2018 in Crl.M.P.No.612 of 2017 in Crl.A.No.253 of 2017 by the III Additional District and Sessions Judge, Nellore while suspending the substantive sentence on deposit of 10% of the compensation amount before the trial Court on or before 04.04.2018.

The contention of the petitioner is that in Crl.M.P.No.120 of 2018, the Sessions Judge, instead of reducing amount to be deposited, directed to deposit 10% of the compensation amount before the Principal Junior Civil Judge, Nellore on or before 03.05.2018 enlarging the petitioner on bail.

Learned counsel for the petitioner contended that the order dated 04.04.2018 passed by the Sessions Judge in Crl.M.P.No.120 of 2018 is contrary to the order dated 19.07.2017 passed in Crl.M.P.No.612 of 2017 passed by the III Additional District and Sessions Judge, Nellore as the cheque amount is Rs.30 lakhs and that the compensation awarded by the Court was Rs.35 lakhs. Therefore, prayed to relax the said condition.

Admittedly, the Sessions Judge in Crl.M.P.No.612 of 2017 directed the petitioner to deposit 10% of the cheque amount before the Principal Junior Civil Judge, Nellore. But in the application i.e. Crl.M.P.No.120 of 2018 filed by the petitioner to modify the order dated 19.07.2017, the Sessions Judge giving go by to the earlier order directed to pay 10% of the compensation amount instead of

cheque amount. Such order increase the liability of the petitioner to the extent of Rs.50,000/- since the compensation awarded by the Court is Rs.35 lakhs and whereas the cheque amount is Rs.30 lakhs. Therefore, the said order is liable to be set aside.

In the result, the criminal petition is disposed of directing the petitioner to deposit 10% of the cheque amount within three weeks from today. In the event of his failure to comply with the direction within the time stipulated, the order shall stands dismissed automatically.

Pending miscellaneous petitions in the petition, if any, shall stand closed.

18.04.2018
kvrn

M.SATYANARAYANA MURTHY,J

