

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

Crl.P. No.4842 OF 2018

ORDER:

This criminal petition is filed under Section 482 Cr.P.C. questioning the direction issued by the Metropolitan Sessions Judge, Hyderabad by order dated 10.04.2018 in Crl.M.P.No.1074 of 2018 in Crl.A.No.251 of 2018, where the Sessions Judge while suspending the substantive sentence of imprisonment on payment of compensation by exercising power under Section 389(1) Cr.P.C. directed the petitioner to deposit 10% of the cheque amount on or before 04.05.2018.

Aggrieved by the said order, the petitioner filed the present petition on the ground that he is diabetic patient and suffering from other ailments and not in a position to deposit the amount in compliance of the directions issued by the Court below.

The trial Court found the accused guilty for the offence punishable under Section 138 of the Negotiable Instruments Act and convicted and sentenced to undergo simple imprisonment for a period of six months and pay compensation of Rs.5,00,000/- and out of the said amount Rs.4,85,000/- be paid to the complainant and Rs.15,000/- be confiscated to the State.

The direction issued by the Sessions Judge is just and reasonable and inconsonance with the judgment of the Apex Court in **Dilip S.Dahanukar v Kotak Mahindra Co. Ltd. And another¹**. Therefore, time is extended for compliance of the direction issued by the Sessions Judge for a period of one month from today.

¹ (2007) 6 SCC 528

With the above direction, the criminal petition is disposed of.

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

M.SATYANARAYANA MURTHY,J

01.05.2018
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