

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Criminal Revision Case No.1494 of 2005

ORDER:

This Criminal Revision Case is preferred by the petitioner/accused aggrieved by the judgment dated 11.08.2005 in Crl.A.No.30 of 2004 passed by learned Additional Metropolitan Sessions Judge, Vijayawada, dismissing the appeal by confirming the judgment in C.C.No.439 of 1999 passed by learned V Metropolitan Magistrate, Vijayawada, convicting the petitioner/accused for the offence under Section 138 of Negotiable Instruments Act, 1881 (for short "NI Act") and sentencing him to suffer SI for six months and to pay fine of Rs.1,000/- in default to suffer SI for 15 days.

2) When the Crl.R.C. came up for hearing, learned counsel for petitioner would submit that the petitioner is aged person of around 64 years and that he is suffering with old age ailments and further, he is financially hard pressed and earlier he filed I.P.No.75 of 1997 on the file of II Additional Senior Civil Judge, Vijayawada and considering the same the sentence may be modified.

3) In this case, notice sent to the 1st respondent/complainant was returned with the endorsement "*insufficient address*". Learned counsel for petitioner would submit that notice was sent to the same address as mentioned in C.C.No.439 of 1999.

4) Considering the submission of learned counsel for petitioner regarding the plight of the petitioner, while confirming the conviction passed by the Courts below, the sentence is modified and the petitioner/accused is directed to pay fine of Rs.50,000/- within eight (8) weeks from the date of this order, failing which he shall suffer SI for four (4) months. On such deposit, the said amount shall be paid to the 1st respondent/complainant as compensation under Section 357(3) Cr.P.C.

5) This Criminal Revision Case is allowed to the extent mentioned supra.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

Date: 30-10-2018
Murthy

U.DURGA PRASAD RAO, J

