

THE HON'BLE SRI JUSTICE P. KESHA RAO
CRIMINAL REVISION CASE NO. 1990 OF 2018

ORDER:

Heard the learned counsel for the petitioner.

2. The present Criminal Revision Case is filed questioning the orders passed in CrI.M.P.No.109 of 2018 in CrI.A.No.166 of 2018 dated 23.5.2018 on the file of the Court of V.Additional District and Sessions Judge, East Godavari, Rajahamendravaram.

3. The facts in brief are that the petitioner herein is charged for the offence under Section 138 of Negotiable Instruments Act vide CC.No.14 of 2016 on the file of the Court of III Additional Judicial Magistrate of First Class, Rajamahendravaram. After trial, vide judgment dated 19.4.2018, the petitioner herein has been convicted and sentenced to undergo simple imprisonment for a period of four months and was also directed to pay a sum of Rs.3,25,000/- towards compensation. Aggrieved by the said orders, the petitioner filed appeal in CrI.A.No.166 of 2018 on the file of the Court of V.Additional District & Sessions Judge, East Godavari, Rajahamendravaram. Pending the appeal, a petition in CrI.M.P.No.109 of 2018 was filed seeking suspension of the sentence passed by the Court below. The lower appellate Court, after considering the facts of the case, was pleased to pass orders on 23.5.2018, suspending the sentence of imprisonment ordered by the

Court below on condition of petitioner depositing a sum of Rs.50,000/- within two months from the date of the order, to the credit of the Calendar Case in the Court below. Aggrieved by the said orders, the present Criminal Revision Case is filed.

4. Learned counsel for the petitioner would submit that the lower appellate Court, while imposing the condition of depositing of Rs.50,000/- within two months, has not indicated as to whether the amount is towards fine or compensation. On that count, the impugned order suffers from irregularity.

5. Section 357 (2) and (3) of Cr.P.C. contemplates imposition of fine and compensation. When the lower appellate Court directed the petitioner to deposit a sum of Rs.50,000/-, the same will not prejudice the rights of the petitioner herein in any manner whether it is treated as a fine or compensation.

6. In the above circumstances, this Court feels that there are no merits in the Criminal Revision Case and the same is liable to be dismissed.

7. Accordingly, Criminal Revision Case is dismissed.

At this stage, learned counsel for the petitioner requests the Court to extend the time granted by the lower appellate Court for depositing a sum of Rs.50,000/-.

Acceding to the request of the petitioner, the time granted by the lower appellate Court in CrI.M.P.No.109 of 2018 in CrI.A.No.166 of 2018 is extended by four weeks from today.

Pending miscellaneous petitions, if any, shall also stand dismissed.

P. KESHAHA RAO,J

Date: 27.7.2018

KPM

