

HONOURABLE SRI JUSTICE N. BALAYOGI

CRIMINAL REVISION CASE No.2602 of 2018

ORDER:

Learned Counsel for the petitioner made a request to dispose of the main Criminal Revision Case itself instead of hearing and passing orders in I.A.No.1/2018. Therefore, it is better to dispose of the main Revision Petition itself since it is only with respect to deposit compensation amount awarded under section 357 of Cr.P.C.

2. The contention of the petitioner is that the Trial Court in C.C.No.321/2015 by its judgment dated:7.8.2015 imposed compensation of Rs.2,40,000/- under section 357 of Cr.P.C., and the lower appellate Court in CrI.M.P. No.1082/2018 in Criminal Appeal No.269 of 2018 by its judgment dated:28.8.2018 reduced the same to Rs.50,000/-.

3. Learned Public Prosecutor contended that compensation amount directed by the lower appellate Court does not warrant any interference.

4. The record shows that the petitioner is an accused in C.C.No.321/2015, he was sentenced to undergo simple imprisonment for a period of six months and also shall pay cheque amount of Rs.2,40,000/- towards compensation to P.W.1 under section 357 of Cr.P.C., within two months, in default, shall suffer simple imprisonment for a period of three months for the offence under section 138 of Negotiable Instruments Act, 1881. Aggrieved by the same, petitioner preferred Criminal Appeal No.269 of 2018 which is pending on the file of the Family Court-cum-IX

Additional District and Sessions Court, Rajamahendravaram, FAC/Special Judge for trial of Cases under SCs/STs (POA) Act, 1989-cum-X Additional District and Sessions Judge's Court. In the said Appeal, the petitioner preferred Criminal M.P. No.1082/2018 in Criminal Appeal No.269/2018 and the lower appellate Court by its order dated:28.8.2018 suspended the execution of sentence of imprisonment passed by the learned Judicial Magistrate of First Class, Anaparthi in C.C.No.321/2015 by its judgment dated:7.8.2018, subject to deposit an amount of Rs.50,000/-, within one month from the date of order dated:28.8.2018. The cheque amount is Rs.2,40,000/-. Under the law, the Court imposed twice the cheque amount as compensation but the Trial Court imposed only Rs.2,40,000/- the basic amount. The lower appellate Court having considered the plea of the petitioner on the application under section 389(1) of Cr.P.C., while suspending execution of sentence imposed the meagre amount of Rs.50,000/-. Hence, I do not find any illegality in the said order of the lower appellate Court.

However, the petitioner requested one month time for payment of the same.

5. Accordingly, the petitioner is granted one month time from today to deposit Rs.50,000/- as ordered in CrI.M.P. No.1082/2018 in Criminal Appeal No.269 of 2018 by its judgment dated:28.8.2018.

6. Criminal Revision Case is disposed of accordingly.

Pending Miscellaneous petition/s, if any, shall stand closed.

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JUSTICE N. BALAYOGI

Dated:28.9.2018

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