

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION No.11168 OF 2018

ORDER:

1. This Criminal Petition, under Section 482 of Cr.P.C., is filed by the petitioner/accused seeking to quash the order, dated 12.10.2018, passed in CrI.M.P. No.25 of 2018 in C.A. No.312 of 2018, by the learned VIII Additional District and Sessions Judge-cum-Special Judge for trial of offences against women, Rajamahendravaram (for short, 'the appellate Court'). By virtue of which, the learned Additional District Judge, while suspending the sentence of imprisonment, directed the petitioner to deposit of the entire compensation amount, in two equal installments, on or before 29.10.2018.

2. Heard learned counsel for the petitioner and learned Public Prosecutor appearing for the 2nd respondent – State.

3. Learned counsel for the petitioner submits that questioning the order, dated 18.09.2018, passed in C.C. No.400 of 2016, by the Judicial First Class Magistrate, Alamuru (for short, 'the trial Court'), the petitioner preferred Criminal Appeal No.312 of 2018 before the learned VIII Additional District and Sessions Judge-cum-Special Judge for trial of offences against women, Rajamahendravaram and also filed CrI.M.P. No.25 of 2018 therein seeking for suspension of the sentence of imprisonment including to deposit the entire compensation amount. The learned Additional District Judge passed the impugned order.

4. The main submission of learned counsel for the petitioner is that, if the petitioner pays the entire compensation amount, the very purpose of preferring the Criminal Appeal would be defeated.

5. Hence, considering the above, the order, dated 12.10.2018, passed in CrI.M.P. No.25 of 2018 in C.A. No.312 of 2018, is modified to the extent of directing the petitioner to deposit half of the compensation amount, instead of

the entire compensation amount, on or before 29.10.2018. Except this modification, the rest of the order in Crl.M.P. No.25 of 2018 in C.A. No.312 of 2018, dated 12.10.2018, shall remain intact.

6. Accordingly, with the above modification, the Criminal Petition is allowed in part.

7. As a sequel, miscellaneous petitions if any, pending in this Criminal Petition shall stand closed.

T. RAJANI, J

Date: 24.10.2018.

Note:

Issue C.C. by 25.10.2018
Dsh



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Date. 24.10.2018

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