

HON' BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CRIMINAL REVISION CASE No.2998 of 2018

ORDER:

This revision is arising out of the order dated 05.10.2018 in CrI.M.P.No.1569 of 2018 in CrI.A.No.963 of 2018 in C.C.No.130 of 2013.

2. The 2nd respondent is the *defacto* complainant. He has filed a private complaint against the petitioner herein under Section 138 of the Negotiable Instruments Act, 1881. The trial Court on consideration of the material has convicted the petitioner for the offence under Section 138 of the NI Act, and sentenced him to undergo imprisonment for a period of six months and to pay fine of Rs.20,000/-. From the said amount, Rs.19,000/- to be paid to the defacto complainant.

3. Aggrieved by the said order, the petitioner has preferred the criminal appeal No.963 of 2018. During pendency of the appeal, he filed CrI.M.P.No.1569 of 2018 under Section 389(1) Cr.P.C., for suspension of the sentence. The appellate Court has suspended the sentence on some terms and conditions. The petition was allowed and the petitioner was directed to deposit 10% of the cheque amount in the Court of Special Magistrate, Hyderabad, on or before 02.11.2018 and in addition to that,

the petitioner shall abide by the terms and conditions imposed by the trial Court. Aggrieved by the impugned order, this revision is preferred.

4. Heard the learned counsel for the petitioner, and learned Public Prosecutor at the stage of admission.

5. Prima facie, the order passed by the learned Sessions Judge is under Section 389(1) Cr.P.C., suspending the sentence of imprisonment passed by the Special Magistrate, Hyderabad, in C.C.No.130 of 2013. The order passed by the learned appellate Court is an interlocutory order. No revision lies against an interlocutory order. If the petitioner is aggrieved by the impugned order, he may move a petition before the same Court for relaxation of condition.

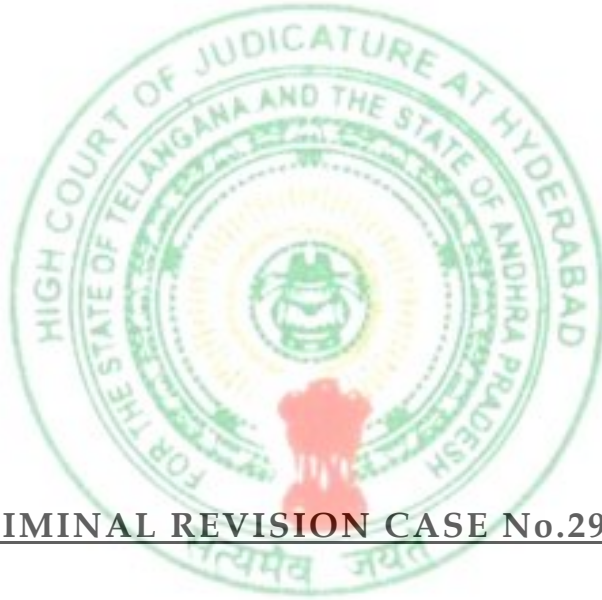
6. With this direction, the revision petition is disposed of. Miscellaneous petitions, if any pending, shall stand closed.

GUDISEVA SHYAM PRASAD, J

05th November, 2018

Note: Issue CC in 2 days
B/o KSM

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KSM