

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CRIMINAL REVISION CASE NO.3412 OF 2018

ORDER:

This revision is arising out of order, dated 27.11.2018 passed in CrI.M.P.No.146 of 2018 in CrI.A.No.960 of 2018 by the Addl. Metropolitan Sessions Judge, Cyberabad, at L.B.Nagar, Hyderabad,

2. As seen from the record, it is evident that the learned I Special Magistrate, Hasthinapuram, R.R. District, vide judgment, dated 01.11.2018 in C.C.No.189 of 2018, found the accused guilty for the offence punishable under Section 138 of the Negotiable Instruments Act and accordingly, convicted and sentenced him to undergo S.I. for six months and to pay a fine of Rs.1,00,000/-, in default to undergo S.I. for three months. The trial Court further directed fine amount of Rs.1,00,000/- on realization be awarded to the complainant as compensation.

3. Aggrieved thereby, the accused preferred appeal and CrI.M.P.No.146 of 2018 seeking suspension of sentence. The appellate Court vide order, dated 27.11.2018, passed the following order:

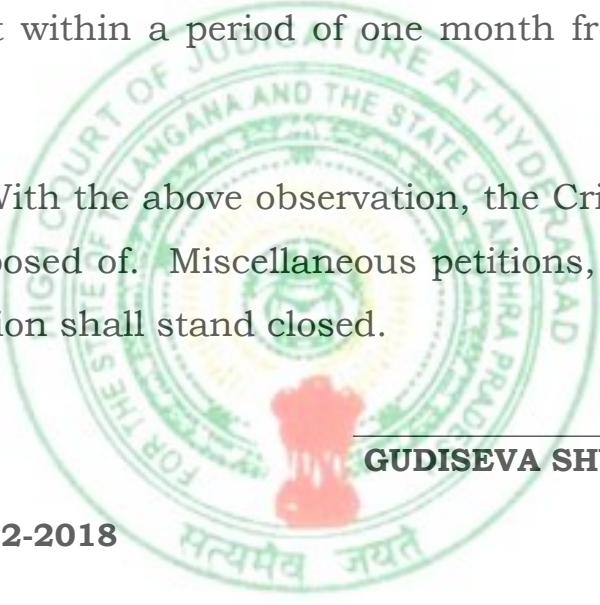
“ In the result, the petition is allowed suspending the operation of sentence of imprisonment and compensation ordered by the lower Court upon the petitioner furnishing two sureties for Rs.10,000/- each, apart from his personal bond to the satisfaction of the I Spl. Magistrate Hasthinapuram, R.R. District and also the petitioner/appellant is directed to deposit $\frac{1}{4}$ th of the compensation amount within one month from the date of this order. In case of his failure on the part of the accused to pay the compensation amount as directed, the bail stands cancelled.”

Challenging the said order, this revision is preferred by the accused.

4. Learned counsel for the petitioner submits that the trial Court has not granted any compensation and therefore, the petitioner is not liable to pay 1/4th of the compensation amount.

5. A perusal of the record reveals that the trial Court has imposed sentence of imprisonment of six months and to pay a fine of Rs.1,00,000/-, in default to undergo S.I. for three months. The order passed by the 1st appellate Court directing to deposit 1/4th of the compensation amount may not be appropriate and therefore, the order passed by the 1st appellate Court is modified to that of deposit of 1/4th of the fine amount within a period of one month from the date of this order.

6. With the above observation, the Criminal Revision Case is disposed of. Miscellaneous petitions, if any pending in this revision shall stand closed.



GUDISEVA SHYAM PRASAD, J

DATED: 14-12-2018

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