

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

[Special Original Jurisdiction]

FRIDAY THE NINETEENTH DAY OF JANUARY
TWO THOUSAND AND EIGHTEEN

PRESENT

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION NO. 24672 OF 2017

Between:

Mohammed Anwar ... Petitioner/Appellant

V/s.

The State of Telangana
Represented by the Public Prosecutor
High Court of Judicature for the State of
Telangana & Andhra Pradesh,
Through Station House Officer,
Banjara Hills Police Station,
Hyderabad district. ... Respondent/complainant

Counsel for the Petitioner : Sri Pendyala Somasekhar

Counsel for the Respondent : Public Prosecutor [TG]

The court made the following: [order follows]

SMT. JUSTICE T. RAJANI**CRIMINAL PETITION NO. 24672 OF 2017****ORDER :**

This Criminal Petition is filed by the petitioner/appellant under section 482 of Cr.P.C., seeking to modify and relax the conditions imposed by the Metropolitan Sessions Judge, Hyderabad in the order dated 20/12/2017 in CrI.MP.No. 3342 of 2017 in Criminal Appeal No. 1377 of 2017 while suspending the sentence of imprisonment inflicted by the XX-Chief Metropolitan Magistrate, Hyderabad against the petitioner in C.C.No. 148 of 2015, wherein the petitioner was found guilty of the offence under section 138 of Negotiable Instruments Act and sentenced to undergo imprisonment for a period of one year and to pay a fine of Rs.5,000/-.

2. Aggrieved by the conviction and sentence imposed by the trial court, the petitioner went in appeal and while suspending the sentence of imprisonment imposed by the trial court, the appellate court imposed

condition that the petitioner should deposit an amount of Rs.12,50,000=00. On the face of it, the said condition seems to be onerous. The sentence itself is only for one year and to pay a fine of Rs.5,000/- and the appellate court directing the petitioner to pay Rs.12,50,000=00 which is almost equal to the amounts under two cheques, can be considered as onerous.

3. Hence, the aforesaid condition is modified and the petitioner is directed to deposit Rs.75,000=00 [Rs. Seventy Five Thousand only].

4. With the above modification, this Criminal Petition is allowed.

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

JUSTICE T. RAJANI.

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION NO. 24672 OF 2017
[ALLOWED]



Date: 19/01/2018
Circulation No.
Court Master: I s L