

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CRIMINAL PETITION No.1969 of 2019

ORDER:

The petitioner is the appellant in CrI.A.No.261 of 2019 on the file of the learned II Additional Metropolitan Sessions Judge, Hyderabad. The said appeal was filed by him against the judgment dated 21.02.2019 passed by the learned XV Special Magistrate, Hyderabad, in C.C.No.374 of 2018, convicting him for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the Act of 1881'), and sentencing him to undergo simple imprisonment for one year. He was also directed to pay a fine of Rs.2.00 crore within one month and in default, to undergo simple imprisonment for two months. Out of the said fine amount, a sum of Rs.1,60,00,000/- was directed to be paid to the complainant as compensation under Section 357 Cr.P.C.

By way of CrI.M.P.No.300 of 2019 filed in CrI.A.No.261 of 2019, the petitioner sought suspension of the entire sentence imposed upon him. By order dated 12.03.2019, the appellate Court allowed the criminal miscellaneous petition suspending the sentence imposed upon the petitioner subject to deposit of 10% of the amount covered by the three cheques, on or before 12.04.2019.

The present criminal petition is filed under Section 482 Cr.P.C. seeking relaxation of the aforestated condition imposed by the appellate Court.

It is however to be noted that after amendment of the Act of 1881 with effect from 02.08.2018 under the Negotiable Instruments (Amendment) Act, 2018, Section 148 was inserted in the said Act and requires the appellate Court to direct an appellant to deposit a sum being not less than 20% of the fine amount imposed by the trial Court.

In the light of the aforestated statutory provision, the petitioner can have no grievance with regard to the condition imposed by the appellate Court requiring him to deposit only 10% of the cheque amount.

When this Court pointed out the same, Sri C.Sharan Reddy, learned counsel for the petitioner, conceded the position and prayed that the petitioner may be given some more time to make the deposit. As the present petition was filed on 10.04.2019 prior to expiry of the time stipulated by the appellate Court, this Court finds the request to be fair.

The criminal petition is accordingly disposed of enlarging the time for the petitioner to make the deposit of 10% of the amount covered by the three cheques, as directed by the appellate Court, within one month from the date of receipt of a copy of this order.

JUSTICE SANJAY KUMAR

Date:22.04.2019

Note:

Furnish C.C. by tomorrow.

(B/o)

GJ