

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

CRIMINAL REVISION CASE No.651 OF 2019

ORDER:

This is a case where the revision petitioner questions the docket order dated 21.05.2019 passed in CrI.M.P.No.123 of 2019 in Criminal Appeal No.453 of 2019 whereby and whereunder the learned Additional Metropolitan Sessions Judge, Ranga Reddy District, suspended the sentence imposed on the revision petitioner, subject to depositing 10% of the compensation amount awarded by the trial Court and granted interim bail.

2. With the consent of both sides, the Criminal Revision Case is disposed of at the admission stage itself

3. Heard the learned counsel for the petitioner and learned Additional Public Prosecutor.

4. Petitioner was convicted under Section 255 (2) Cr.P.C. by the IX Special Magistrate, Hastinapuram, Ranga Reddy District, vide judgment dated 30.04.2019 in C.C.No.117 of 2018 for the offence under Section 138 of Negotiable Instruments Act and sentenced to undergo simple imprisonment for a period of one (01) year and also to pay compensation of Rs.30,00,000/- under Section 357 (1) Cr.P.C. to the complainant i.e. R.1 herein, in default, to suffer simple imprisonment for a further period of three months. Aggrieved by the same, revision petitioner-accused preferred an appeal before the Additional Metropolitan Sessions Judge, Ranga Reddy District, Cyberabad, vide Criminal Appeal No.453 of 2019. In the said appeal, the revision petitioner filed impugned application under Section 389 (1) Cr.P.C. seeking

suspension of conviction judgment rendered by the trial Court. Vide order dated 21.05.2019, the appellate Court granted interim bail by suspending the sentence imposed on the revision petitioner subject to petitioner depositing 10% of the compensation amount. Against the said order, the present revision is filed.

5. It is seen from the record that after passing of the order dated 21.05.2019, petitioner also filed CrI.M.P.No.134 of 2019 seeking extension of the time granted by the appellate Court in CrI.M.P.No.123 of 2019 and vide order dated 21.06.2019, the appellate Court extended the time till 01.07.2019 for compliance of the condition imposed while granting interim bail.

6. Learned counsel for the petitioner submits that the condition imposed by the appellate Court is onerous.

7. Learned Additional Public Prosecutor opposes the revision and submits that in view of the latest amendment to the Negotiable Instruments Act, 20% of the compensation amount is required to be deposited while granting suspension of conviction/sentence, whereas the appellate Court took a lenient view and directed to pay only 10% of the compensation amount. As such, the impugned order warrants no interference of this Court.

8. Having regard to the rival submissions and having gone through the orders passed by the trial Court and appellate Court, this Court finds that there is no error of law in the impugned order and in fact, as rightly pointed out by the learned Additional Public Prosecutor, the appellate Court has taken a lenient view and

granted substantial relief to the petitioner by facilitating him to deposit only 10% of the compensation of the amount instead of 20% and also granted sufficient time to pay the said amount. In that view of the matter, I see no infirmity in the impugned order and the revision petitioner failed to make out any justifiable reason to entertain the revision case. I see no merits in the revision.

9. However, as the time granted to the revision petitioner to pay 10% of the compensation amount awarded by the trial Court is already expired, I deem it appropriate to grant a further time of 30 days from today to the petitioner to comply with the condition imposed by the appellate Court to avail the remedy of interim bail. It is needless to mention that the petitioner is not entitled to seek further indulgence of this Court, as the appellate Court as well as this Court had already taken a lenient view in favour of the petitioner *in spite* of there being no justifiable ground and only to facilitate the petitioner to prosecute his appeal.

10. With above observations, the Criminal Revision Case is disposed of.

Miscellaneous Petitions, if any, pending in this revision shall stand closed.

CHALLA KODANDA RAM, J

1st July, 2019.

sur