

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.4208 OF 2019

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C'), is filed by the petitioner/Accused to quash the order dated 28.06.2019 passed in CrI.M.P.No.445 of 2019 in CrI.A.No.542 of 2019 on the file of the XV Additional District & Sessions Judge-cum-XV Additional Metropolitan Sessions Judge, Kukatpally, Ranga Reddy District.

2. Heard learned counsel for the petitioner/Accused and the learned Additional Public Prosecutor representing the respondent/State. Perused the record.

3. It is not in dispute that by Judgment, dated 03.06.2019, in C.C.No.60 of 2018, the learned VIII Special Magistrate, Kukatpally, Prashanthnagar, found the petitioner/accused guilty of the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the Act') and accordingly, he was convicted and sentenced to undergo simple imprisonment for a period of one year for the offence punishable under Section 138 of the Act. On appeal, the XV Additional District and Sessions Judge-cum-XV Additional Metropolitan Sessions Judge, Kukatpally, Ranga Reddy District, vide order, dated 28.06.2019, in CrI.M.P.No.445 of 2019 in CrI.A.No.542 of 2019 suspended the operation of the judgment, dated 03.06.2019, passed in C.C.No.60 of 2018 till disposal of the criminal appeal on furnishing the personal bonds for Rs.10,000/- with two sureties for a like sum each to the satisfaction of the trial Court and on further condition of payment of 20% of the cheque

amount before the trial Court within one month from the date of that order. Aggrieved by the said order, the present petition is filed.

4. During the course of hearing, learned counsel for the petitioner would submit that the first appellate Court directed the petitioner to deposit 20% of the cheque amount within a period of one month from the date of that order and the said period is going to expire and hence, he prays to grant reasonable time to the petitioner to deposit the amount.

5. Considering the facts and circumstances of the case and considering the request of the petitioner, without going into the merits of the case, the Criminal Petition is disposed of granting four (4) weeks from today to deposit 20% of the cheque amount as ordered by the first appellate Court. However, it is made clear that no further time is granted. The other condition imposed in the impugned order remained unaltered.

Miscellaneous petitions, if any, pending in this petition shall stand closed.

JUSTICE G SRI DEVI

JULY 22, 2019

Note:
Issue C.C. tomorrow.
(B/o)
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Date:22.07.2019

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