

THE HON'BLE JUSTICE G.SRI DEVI

CRIMINAL PETITION No.4243 of 2019

ORDER:

This Criminal Petition under Section 482 read with Section 70(2) of Cr.P.C., is filed by the petitioner/accused seeking to recall the non-bailable warrant issued by the VIII Additional District and Sessions Judge, Ranga Reddy District, L.B.Nagar vide order dated 15.07.2019 in CrI.M.P.No.215 of 2019 in CrI.A.No.231 of 2016.

2. Heard learned counsel for the petitioner/accused and learned Additional Public Prosecutor for the 1st respondent-State.

3. The petitioner herein was convicted for the offence under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo rigorous imprisonment for 6 months and to pay fine of Rs.3,10,000/-, in default to undergo simple imprisonment for a period of one month vide judgment dated 19.02.2016 passed in C.C.No.87 of 2015 (old C.C.No.1376 of 2014) by the VII Special Magistrate, Hastinapuram, and he paid only an amount of Rs.1,000/- out of the said fine amount. Challenging the said judgment, he preferred CrI.A.No.231 of 2016 on the file of the VIII Additional District and Sessions Judge, Ranga Reddy District at L.B.Nagar, wherein the learned Sessions Judge, while canceling the Non-bailable warrant, directed the petitioner to deposit a sum of Rs.50,000/- out of the balance fine amount of Rs.3,09,000/- before the trial Court on or before 23.07.2018. However, the petitioner has not deposited the

said amount within the stipulated time. Consequently, another petition filed by the petitioner under Section 70(2) of Cr.P.C., seeking to recall the NBW, was dismissed by the Court below vide order dated 15.07.2019, which is impugned in the present criminal petition.

4. During hearing, learned counsel for the petitioner/accused would submit that the petitioner is ready to deposit a sum of Rs.50,000/- as ordered by the Court below vide order dated 12.07.2018, if time is granted to him.

5. In view of the submission of the learned counsel for the petitioner, without going into the merits of the matter, it would be appropriate to direct the petitioner/accused to deposit a sum of Rs.50,000/- (Rupees fifty thousand only), as ordered by the Court below in Crl.M.P.No.116 of 2018 in Crl.A.No.231 of 2016 dated 12.07.2018, within a period of ten days from the date of this order, and on such deposit, the Court below shall cancel the non-bailable warrant issued against the petitioner.

6. Subject to the above, the Criminal Petition is disposed of.

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

G.SRI DEVI, J

23rd July, 2019

sj