

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL REVISION CASE No. 972 of 2019

ORDER:

1. The present Criminal Revision is filed by the petitioners aggrieved by the order, dated 22.08 of 2019 passed in CrI.M.P.No.121 of 2019 in CrI.M.P.No.95 of 2019 in CrI.M.P.No.67 of 2019 in CrI.A.No.450 of 2019 on the file of the XIII Additional District and Sessions Judge-cum-Commercial Court, Rangareddy District at L.B.Nagar, Hyderabad.

2. The second respondent herein filed a private complaint against the petitioners/ accused for the offences punishable under Sections 138 read with 142 of the Negotiable Instruments Act, 1881. The said case was taken on file as C.C.No.146 of 2018 on the file of the Special Magistrate, Ibrahimpatnam, Ranga Reddy District. Vide judgment, dated 22.04.2019, the learned Magistrate convicted and sentenced the petitioners/accused to suffer simple imprisonment for a period of one year and also to pay compensation of Rs.15,00,000/- to the complainant. Challenging the same, the petitioners preferred appeal in CrI.A.No.450 of 2019 before the Court of XIII Additional District and Sessions Judge-cum-Commercial Court, Rangareddy District at L.B.Nagar, Hyderabad. Along with the appeal, the petitioners filed CrI.M.P.No.67 of 2019 seeking suspension of the sentence. By an order, dated 20.05.2019, the learned Sessions Judge, while suspending the sentence, directed the petitioners to deposit 20%of the cheque amount within a period of sixty days from that date. Subsequently, the petitioners filed CrI.M.P.No.121 of 2019 seeking extension of time in payment of 20% of the cheque amount. By an order, dated 22.08.2019 the learned Sessions Judge,

dismissed the said petition. Challenging the same, the present Criminal Revision Case is filed.

3. It has been submitted by the learned counsel for the petitioners that due to financial loss and ill health, the second petitioner did not comply with the order. Hence, he seeks extension of time.

4. A perusal of the material on record would show that the petitioners issued cheque for Rs.10.00 lakhs, which was presented in the bank, the same were returned, un-paid. Though the trial Court directed the petitioners to pay Rs.15.00 lakhs, the appellate Court directed the petitioners only to pay 20% of the cheque amount within sixty days. The amount directed by the appellate Court being reasonable and in accordance with the judgment of the Apex Court in *Dilip S.Dahanukar v. Kotak Mahindra Company Limited*¹, the same warrants no interference. However, the time granted to pay the said amount is extended till 30.09.2019. It is made clear that no further extensions shall be granted.

5. With the above direction, the Criminal Petition is disposed of. As a sequel thereto, Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand dismissed.

JUSTICE G. SRI DEVI

09.09.2019
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¹ (2007) 6 SCC 528

