

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.5545 of 2019

ORDER :

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to relax the condition of depositing 20% of the compensation amount before the trial Court passed by the III Additional Metropolitan Sessions Judge, Hyderabad, vide order dt.16.07.2019 in CrI.M.P.No.370 of 2019 in CrI.A.No.627 of 2019 in C.C.No.213 of 2017.

Heard learned counsel for the petitioner/Accused and the learned Additional Public Prosecutor appearing for the respondent No.1 – State. Perused the material on record.

Learned counsel for the petitioner contends that as against the order in C.C.No.213 of 2017 passed by VII Special Magistrate, Hyderabad, convicting the petitioner for the offence punishable under Section 138 of N.I. Act and sentencing him to undergo simple imprisonment for three months and to pay a compensation of Rs.10,00,000/-, failing which to undergo simple imprisonment for three months, the petitioner has filed CrI.A.No.627 of 2019 along with CrI.M.P.No.370 of 2019 seeking suspension of sentence. The said application was allowed on 16.07.2019 with a direction to deposit 20% of the compensation amount, which comes to Rs.2,00,000/-, on or before 14.08.2019. Thereafter, the petitioner filed CrI.M.P.No.499 of 2019 seeking extension of

time for depositing the said amount and the same was allowed vide order dt.14.08.2019 extending time to deposit the said amount till 06.09.2019. Despite his best efforts, as the petitioner could not procure the said amount of Rs.2,00,000/- and as the petitioner has every chance of success in the appeal, the petitioner has filed the present petition seeking to relax the said condition of depositing 20% of the compensation amount before the trial Court.

As seen from the record, when the petitioner sought extension of time for depositing 20% of the compensation amount, which was granted upto 06.09.2019, he has not made any averment that despite his best efforts, he could not procure the amount from various sources to deposit the said amount. It appears that in order to drag on the matter and to avoid deposit of 20% of the compensation amount, the petitioner has filed the present petition. Therefore, the ground taken by the petitioner does not appear to be just and reasonable and the same is not supported by any documentary evidence. Therefore, the petitioner is not entitled for relaxation of the condition.

Accordingly, this Criminal Petition is dismissed. However, having regard to the facts and circumstances of the case, the petitioner is granted a further time of six weeks to deposit 20% of the compensation amount as directed by the learned III Additional Metropolitan Sessions Judge,

Hyderabad, vide order dt.16.07.2019 in Crl.M.P.No.370 of 2019 in Crl.A.No.627 of 2019 in C.C.No.213 of 2017.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE G. SRI DEVI

16.09.2019.
Msr



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Msr