

THE HON'BLE JUSTICE G.SRI DEVI

CRIMINAL PETITION No.8341 of 2019

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed aggrieved by the order, dated 06.11.2019 passed in CrI.M.P.No.1623 of 2019 in CrI.A.No.959 of 2019 by the learned IV Additional Metropolitan Sessions Judge, Hyderabad, whereunder the Court below directed the petitioner/accused to deposit 20% out of the compensation amount, within sixty (60) days.

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

3. The learned II Special Magistrate, Hyderabad, vide Judgment, dated 03.10.2019 in C.C.No.236 of 2018 convicted the petitioner/accused for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881, and accordingly, sentenced him to undergo simple imprisonment for a period of six (6) months and to pay compensation of Rs.1,80,000/-, in default to undergo simple imprisonment for a period of three months. Out of the said amount, an amount of Rs.1,75,000/- shall be paid to the complainant and an amount of Rs.5,000/- shall be confiscated to the State. Aggrieved by the same, the petitioner preferred CrI.A.No.959 of 2019 before the IV Additional Metropolitan Sessions Judge, Hyderabad. Along with the appeal, the petitioner filed CrI.M.P.No.1623 of 2019 to suspended the sentence of imprisonment and also payment of compensation. The learned

Sessions Judge vide impugned order suspended the sentence of imprisonment and payment of compensation amount and released the petitioner on bail subject to condition of petitioner/accused depositing 20% out of the compensation amount sixty (60) days.

4. Learned counsel for the petitioner would submit that the petitioner may be directed to deposit 10% of the cheque amount in stead of 20% as ordered by the first appellate Court within a period of eight (8) weeks.

5. Having regard to the facts and circumstances of the case and the submission made by learned counsel for the petitioner, I deem it appropriate to reduce depositing of compensation amount from 20% to 15%.

6. Accordingly, the Criminal Petition is disposed of directing the petitioner/accused to deposit 15% out of the compensation amount, within a period of two (2) weeks from today.

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

JUSTICE G.SRI DEVI

26th December, 2019
YVL

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Date:26.12.2019

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