

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.8355 of 2019

ORDER :

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash the order, dated 02.12.2019 passed in CrI.M.P.No.842 of 2019 in CrI.A.No.841 of 2019 by the III Addl. Metropolitan Sessions Judge, Hyderabad.

2. Heard the learned counsel for the petitioner-accused and perused the material on record.

3. On 02.12.2019, the learned Sessions Judge, Hyderabad, passed the following docket order:

“Heard. Counsel present. Conditions imposed by this Court is not complied with. However, on petition, the time is also extended till today and today also conditions not complied. Hence, the petition is dismissed.”

4. As seen from the record, it is evident that the learned III Special Magistrate, Hyderabad, vide judgment, dated 16.09.2019 in C.C.No.311 of 2017 convicted the accused for the offence punishable under Section 138 of the N.I. Act and accordingly, sentenced him to undergo S.I. for one year and to pay compensation of Rs.15,00,000/-, to the complainant within 2 months, in default to undergo S.I. for 6 months. Aggrieved by the same, the petitioner preferred CrI.A.No.841 of 2019 before the III Addl. Metropolitan Sessions Judge, Hyderabad. Along with the appeal, the petitioner filed CrI.M.P.No.627 of 2019 in CrI.A.No.841 of 2019 to suspend the sentence of

imprisonment passed by the trial Court. The learned Sessions Judge, vide order, dated 09.10.2019 directed the petitioner to deposit 20% of the compensation amount in the court of III Special Magistrate, Hyderabad, on or before 21.10.2019, to which date appeal stands posted and in addition to that, the petitioner shall abide by the terms and conditions imposed by the trial Court. If any amount is deposited by the petitioner in trial Court at the time of suspension of sentence, it shall be deducted from the amount now ordered to be deposited. Thereafter, the learned Sessions Judge, vide order, dated 21.10.2019 in CrI.M.P.No.720 of 2019 extended the time up to 29.11.2019 for depositing of 20% of the compensation amount. Again, the petitioner filed CrI.M.P.No.842 of 2019 for extension of time. But, the learned Sessions Judge dismissed the petition as stated supra.

5. Learned counsel for the petitioner submits that as the petitioner could not secure the amount, he could not deposit the same within the time given by the appellate Court. He further submits that in not depositing the amount by the petitioner is neither intentional nor wanton and he is ready to abide by the conditions imposed by this Court. Hence, he prays to extend the time for deposit of the amount.

6. Having regard to the facts and circumstances of the case and the submission made by the learned counsel

for the petitioner-accused, I deem it appropriate to extend the time for deposit of the compensation amount.

7. Accordingly, the Criminal Petition is disposed of directing the petitioner-accused to deposit 20% of the compensation amount within a period of three (3) weeks from today. It is made clear that no further time will be granted for deposit of the amount. Miscellaneous petitions, if any pending shall stand closed.

JUSTICE G.SRI DEVI

DATED: 20.12.2019.

Hsd

Note: Issue CC by 23.12.2019



