

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.8488 of 2019

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to modify the order dated 13.12.2019 passed in CrI.M.P.No.371 of 2019 in CrI.A.No.272 of 2019 by the Judge, Family Court-cum-Additional District & Sessions Judge, Karimnagar, in so far as the condition to deposit 40% of the compensation amount imposed by the trial Court within 15 days.

2. Learned counsel for the petitioners contended that the Court below rightly suspended the sentence, but erred in imposing the condition to deposit 40% of the compensation amount within 15 days without properly appreciating the facts and circumstances of the case. It is submitted that the Court below ought to have seen that CrI.A.No.272 of 2019 is filed challenging the judgment passed in CC.No.327 of 2014, therefore imposing the condition to deposit 40% of the compensation amount would adversely affect the main criminal appeal. It is further submitted that the Court below ought to have seen that the petitioners have got good grounds to succeed in the criminal appeal and in the event of their success in the appeal, it would be difficult for them to recover the amount and therefore sought for modifying the condition imposed by the Court below by allowing the criminal petition.

3. Learned Additional Public Prosecutor vehemently opposed the criminal petition.

4. A perusal of the material on record shows that the trial Court while convicting the petitioners/accused ordered to pay Rs.8,00,000/- towards compensation to the complainant and the Court below pending appeal suspended the sentence imposed by the trial Court subject to deposit of 40% of the compensation amount within 15 days.

5. Having regard to the above, this Court is of the opinion that there is nothing to interfere with the condition imposed by the Court below, but for granting of time to deposit the amount needs to be modified. Therefore, the petitioners are directed to deposit 20% of the compensation amount within a period of four weeks from today and another 20% of the compensation amount within a further period of eight weeks from the date of first deposit.

6. With these directions, this Criminal Petition is disposed of.

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

JUSTICE G. SRI DEVI

Date: 26.12.2019
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HONOURABLE JUSTICE G. SRI DEVI

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26.12.2019
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