

THE HON'BLE JUSTICE G.SRI DEVI

CRIMINAL PETITION No.1076 of 2020

ORDER:

This Criminal Petition, under Section 482 of Cr.P.C., is filed by the petitioner/accused seeking to set aside the order dated 19.12.2019 passed by the learned IV Additional Metropolitan Sessions Judge, Hyderabad, in CrI.M.P.No.1884 of 2019 in Criminal Appeal No.1094 of 2019.

2. Heard learned counsel for the petitioner, learned Additional Public Prosecutor appearing for respondent No.1-State and perused the record.

3. The petitioner was found guilty for the offence under Section 138 of the Negotiable Instruments Act and was convicted under Section 255(2) Cr.P.C and was sentenced to undergo simple imprisonment for a period of six months and to pay a fine of Rs.22,50,000/- in default to suffer simple imprisonment for three months by the learned XVI Special Magistrate, Hyderabad, in C.C.No.14 of 2016, vide judgment dated 21.11.2019. Assailing the said order, the petitioner filed Criminal Appeal No.1094 of 2019 before the learned IV Additional Metropolitan Sessions Judge, Hyderabad. Along with the said appeal, he also filed an application vide CrI.M.P.No.1884 of 2019 seeking to suspend the sentence imposed by the trial Court in the aforesaid C.C. The appellate Court by the impugned order allowed the said application suspending the sentence of imprisonment and payment of compensation till the disposal of the Criminal Appeal, but however, directed that the petitioner shall be released on bail on the same terms and

conditions imposed by the trial Court and subject to the petitioner depositing 20% of the compensation amount within sixty days from the date of the said order. Challenging the said order with respect to imposition of condition of depositing 20% of the compensation amount, the petitioner filed the present Criminal Petition.

4. Learned counsel for the petitioner submitted that the appellate Court imposed the condition directing the petitioner to deposit 20% of the compensation amount which is unreasonable, unjust and onerous and hence, he prayed to set aside the impugned order.

5. Learned Additional Public Prosecutor submitted that the appellate Court has passed a very reasoned order and prayed to dismiss the Criminal Petition.

6. From a perusal of the record, it is to be seen that the appellate Court while suspending the sentence of imprisonment imposed on the petitioner by the trial Court pending disposal of the Criminal Appeal, granted bail to the petitioner subject to his depositing 20% of the compensation amount within a stipulated period. The appellate Court has observed that since the disposal of the appeal may take long time, in order to avoid hardship both to the petitioner and respondent No.2 herein, passed the impugned order with directions as aforesaid.

7. In order to meet the ends of justice and to avoid hardship to either of the parties, the appellate Court has rightly imposed the aforesaid condition in the impugned order. The appellate Court has not committed any illegality or infirmity in the impugned order calling

for interference by this Court. As such, the Criminal Petition is liable to be dismissed.

8. The Criminal Petition is accordingly dismissed.

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

14th February, 2020
dr

JUSTICE G.SRI DEVI

