

THE HON'BLE JUSTICE G.SRI DEVI

CRIMINAL REVISION CASE No.1468 of 2019

ORDER:

This Criminal Revision Case, under Sections 397 and 401 of Code of Criminal Procedure, 1973, is filed by the petitioner/accused aggrieved by the order, dated 31.10.2019, passed in CrI.M.P.No.144 of 2019 in CrI.A.No.812 of 2019 by the learned XIV Additional Metropolitan Sessions Judge, Ranga Reddy District at L.B.Nagar.

2. Heard the learned counsel appearing for the parties. Perused the record.

3. The learned VII Special Magistrate, Hasthinapuram, L.B.Nagar, vide Judgment, dated 30.09.2019, in C.C.No.14 of 2016 (old C.C.No.84 of 2015) found the petitioner/accused guilty of the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and accordingly, he was convicted and sentenced to undergo simple imprisonment for a period of six (6) months and to pay fine of Rs.22,10,000/-, in default to undergo simple imprisonment for three months.

4. Aggrieved by the said Judgment, the petitioner preferred an appeal in CrI.A.No.812 of 2019 on the file of XIV Additional Metropolitan Sessions Judge, Ranga Reddy District at L.B.Nagar, and also filed the afore-said Miscellaneous Petition under Section 389 (1) Cr.P.C., to suspend the sentence of imprisonment imposed against him by the learned VII Special Magistrate, Hasthinapuram, Ranga Reddy District, vide Judgment, dated 30.09.2019, in C.C.No.14 of 2016.

5. The learned XIV Additional Metropolitan Sessions Judge, Ranga Reddy District, vide impugned order, dated 31.10.2019, held thus:

“In the result, the petition is allowed and consequently the sentence passed by VII Special Magistrate, Hasthinapuram, Ranga Reddy District in C.C.No.14 of 2016 vide Judgment, dated 30.09.2019 is suspended, pending disposal of the criminal appeal before this Court on the same terms and conditions imposed by the trial Court and on a condition that the petitioner shall deposit 20% of the cheque amount within a period of sixty days before the trial Court.”

6. Having regard to the facts and circumstances of the case and considering the request of learned counsel for the petitioner, the appellate Court rightly directed the petitioner to deposit 20% of the cheque amount and this Court does not find any infirmity in the order passed by the Court below.

7. Accordingly, the Criminal Revision Case is dismissed. However, the petitioner/accused is granted time till 04.02.2020 to deposit 20% of the cheque amount before the trial Court, as directed the appellate Court.

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

JUSTICE G.SRI DEVI

6th January, 2020
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Date:06.01.2020

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