

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THURSDAY, THE TWENTY EIGHTH DAY OF JULY
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE DR. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION NO: 6748 OF 2022

Between:

K. Purnachander Reddy, S/o.Ganpath Reddy, Age 46 years, Occ. Business,
R/o.MIGH-4, AP Housing Board Colony, infront of St. Joseph's Convent High
School, Adilabad, Dist. Adilabad. **...PETITIONER**

AND

1. The State of Telangana , Rep. by Public Prosecutor, High Court for the State of Telangana.
2. Battu Devender, S/o.Ganpath Reddy, Age 48 years, Occ. Business,
R/o.H.No.4-3-358/1, Opp. Diet College, Dwarakanagar, Adilabad, Dist.
Adilabad.

...RESPONDENTS

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash the condition imposed by the District and Sessions Judge, Adilabad in CRMP No. 66/2022 in CRLA No.26/2022 dt 22/07/2022 directing this petitioner to deposit 30 percentage of the fine/compensation imposed by the trial court while suspending sentence imposed by the trial court .

I.A. NO: 1 OF 2022

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to stay the condition imposed by the District and Sessions Judge, Adilabad in CRMP No. 66/2022 in CRLA No.26/2022 dt 22.07.2022 directing this petitioner to deposit 30 percentage of the fine/compensation imposed by the trial court .

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri KONDADI AJAY KUMAR ,Advocate for the Petitioner and the Assistant Public Prosecutor on behalf of the Respondent No.1

The Court made the following: ORDER

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.6748 OF 2022

ORDER.

Seeking the Court to set aside the order dated 22.07.2022 that is rendered by the Court of Sessions Judge, Adilabad, in Crl.M.P.No.66 of 2022 in Crl.A.No.26 of 2022, the present criminal petition is filed.

2. Heard the submission of learned counsel for the petitioner as well as learned Assistant Public Prosecutor, who is representing respondent No.1. In the light of the limited relief sought for, issuance of notice to respondent No.2 is felt not necessary.

3. Learned counsel for the petitioner submits that the petitioner is arrayed as accused in C.C.No.414 of 2016 that is pending on the file of the Court of Special Judicial Magistrate of First Class, Adilabad. He states that the said Calendar Case was disposed of and the petitioner was convicted for the offence punishable under Section 138 of the Negotiable Instruments Act. Learned counsel submits that compensation of Rs.32,84,000/- was awarded, which includes interest on the cheque amount, which is unjustifiable. Learned counsel further states that the

petitioner preferred an appeal and the Appellate Court, while suspending the sentence, directed the petitioner to deposit 30% of the compensation. Learned counsel submits that when the award of interest on the cheque amount is under challenge, insisting the petitioner to deposit 30% of the compensation is unjustifiable.

4. Having considered the said submission and as no other ground is urged, this Court is of the view that the impugned order is required to be modified.

5. Resultantly, the criminal petition is disposed of, modifying the order dated 22.07.2022 rendered by the Court of Sessions Judge, Adilabad, in CrI.M.P.No.66 of 2022 in CrI.A.No.26 of 2022 to the extent of directing the petitioner to deposit 20% of the compensation as imposed by the trial Court, instead of 30%, and all other conditions imposed by the Appellate Court shall hold good.

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

//TRUE COPY//

Sd/-K.SAILESHI
DEPUTY REGISTRAR
SECTION OFFICER

To,

1. The I Additional Sessions Judge, FAC, District and Sessions Judge, Adilabad.
2. The Special Judicial Magistrate of First Class Mobile (PCR) , Adilabad.

3. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad.
4. One CC to SRI. KONDADI AJAY KUMAR Advocate [OPUC]
5. Two CD Copies
6. One Spare Copy

CDL

A handwritten signature in black ink, consisting of a stylized 'A' or 'K' shape with a long horizontal stroke extending to the right.

HIGH COURT

DATED:28/07/2022

ORDER

CRLP.No.6748 of 2022



DISPOSING OF THE CRIMINAL PETITION.

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[Signature]
30/7/2022