

BAIL SLIP : The Petitioner/ Accused was directed to be released on bail by the order of the High Court dated. 30-03-2017 in CRLRC.MP. NO: 1380 OF 2017 in Crl.R.C No.851 of 2017.

[3299]

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

**TUESDAY, THE TENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

CRIMINAL REVISION CASE NO: 851 OF 2017

Criminal Revision Case filed under Section 397 and 401 of Cr.PC against the Judgment dated 8-3-2017 made in Crl.A. No. 649 OF 2015 on the file of the court of the V - Additional Metropolitan Sessions Judge, Ranga Reddy district at LB.Nagar, Ranga Reddy preferred against the Order passed in C.C. No. 24 OF 2014 dated 14-7-2015 on the file of the Court of the III - Special Magistrate, Hastinapuram, at L.B. Nagar.

Between:

R.Vijaya Laxmi, W/o.B.Bhujanga Rao, Age 55 Yrs, Occ House Wife, R/o. H.No 3-13-8/ 1, Madhura nagar Colony, Ramanthapur, Hyderabad.

...REVISION PETITIONER/APPELLANT/ACCUSED

AND

1. The State of Telangana, Represented through Public Prosecutor, High Court, Hyderabad.

...RESPONDENT/RESPONDENT

2. Maddi Narender Reddy @ Sridhar Reddy, S/o.Ranichandra Reddy, Age 42 Years,Occ Business, R/o. Thattiannaram (V),Hayath Nagar (M), Ranga Reddy district.

...RESPONDENT/RESPONDENT/COMPLAINANT.

I.A. NO: 1 OF 2017(CRLRCMP. NO: 1380 OF 2017)

Petition under Section 482 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend judgment dt:8-3-2017 passed in Crl. AP. No. 649 OF 2015 on the file the V - Additional Metropolitan Sessions Judge, Ranga Reddy district at L.B. Nagar, Ranga Reddy during the pendency of the Criminal Revision Case and pass such other order or orders as this Court deem fit in the interest of justice.

Counsel for the Petitioner : SRI. V BALRAM

**Counsel for the Respondent No.1 : SRI VIZARATH ALI, ASSISTANT
PUBLIC PROSECUTOR**

Counsel for the Respondent No.2 : SRI.MALIPEDDI SRINIVAS REDDY

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE E. V. VENUGOPAL**CRIMINAL REVISION CASE No.851 OF 2017****ORDER:**

The present Criminal Revision Case is filed against the judgment dated 08.03.2017 passed in CrI.A.No.649 of 2015 on the file of the learned V Additional Metropolitan Sessions Judge, Ranga Reddy District, at L.B. Nagar, Hyderabad (for short, "the appellate Court") in dismissing the Criminal Appeal by confirming judgment dated 14.07.2015 in C.C.No.24 of 2014 on the file of the learned III Special Magistrate, Hastinapuram, at L.B. Nagar, R.R. District (for short, "the trial Court").

2. Heard Mr. M. Shanker, learned counsel representing Mr. V. Balaram, learned counsel for the petitioner, Mr. Vizarith Ali, learned Assistant Public Prosecutor appearing for respondent State and Mr. Malipeddi Srinivas Reddy, learned counsel for respondent No.2.

3. The brief facts of the case are that respondent No.2-*de facto* complainant advanced an amount of Rs.9 lakhs to the petitioner-accused for her urgent family necessities and the petitioner executed a promissory note viz., Ex P1. On demand, the petitioner issued cheque bearing No.162348 dated 28.06.2013

drawn on Andhra Bank, Srinivasapuram Branch, Ramanthapur, Hyderabad to discharge the legally enforceable debt. The said cheque was dishonoured for 'insufficiency of funds' in her account. Thereby, respondent No.2 filed C.C.24 of 2014 before the trial Court for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (for short, "N.I. Act").

4. The trial Court vide judgment dated 14.07.2015 in C.C.No.24 of 2014 convicted and sentenced the petitioner to undergo simple imprisonment for six months and directed the petitioner to pay or deposit a compensation of Rs.13,00,000/- within one month from the date of the judgment in default, to pay or deposit the compensation, the petitioner was directed to undergo simple imprisonment for five months. The total compensation of Rs.13,00,000/- was directed to be paid after the appeal period.

5. Aggrieved by which, the petitioner preferred an appeal. The appellate Court vide judgment dated 08.03.2017 in CrI.A.No.649 of 2015 dismissed the appeal by confirming the judgment passed by the trial Court. Hence, the present Revision.

6. When the matter was taken up for hearing, learned counsel for petitioner by filing a memo dated 05.10.2023 submitted that

the cheque in question was issued for an amount of Rs.9,00,000/- and the petitioner was ready and willing to pay double the amount of cheque. He further stated that the petitioner was an aged and ailing patient. She underwent liver transplantation, at Medanta Medicity Hospital, Goargoon, at Delhi and she is almost in a bed-ridden condition. Learned counsel also filed a copy of the Discharge Summary of the petitioner. Therefore, seeks to take a lenient view and set aside the impugned judgment.

7. Learned counsel for respondent No.2 contended that after appreciating the oral and documentary evidence available on record, the appellate Court rightly passed the impugned judgment. Learned counsel further submitted that by virtue of the order dated 30.03.2017 passed by this Court, the matter is being protracted on one pretext or the other causing huge financial loss to the *de facto* complainant apart from mental agony. Therefore, seeks to dismiss the Revision.

8. A perusal of the record shows that this Court vide order dated 30.03.2017 suspended the sentence of imprisonment only, subject to execution of self-bond for a sum of Rs.10,000/- with two sureties for a like sum each to the satisfaction of the learned

Magistrate concerned. So far as the compensation of Rs.13,00,000/- which includes the fine amount, is concerned, it is subject to payment/deposit of 1/4th of the said amount, on or before six weeks from today, before the trial Court, failing which the trial Court can levy and enforce for its recovery under Section 421 r/w Section 431 of Cr.P.C.

9. Having regard to the submissions made by both the learned counsel and upon taking into consideration, the decision of the Apex Court in **Meters and Instruments Private Limited and another Vs. Kanchan Mehta**¹ this Court is inclined to direct the petitioner to deposit double the amount of cheque to the credit of the trial Court within a period of eight weeks from the date of receipt of a copy of the order of this Court.

10. In default of payment of the said amount, the impugned judgment dated 08.03.2017 passed in Crl.A.No.649 of 2015 stands good in all respects.

11. Upon depositing the said amount, respondent No.2 complainant is granted liberty to withdraw the same with immediate effect.

¹ (2018) 1 Supreme Court Cases 560

12. With the above direction, the Criminal Revision Case stands disposed of.

Miscellaneous Petitions, pending if any, shall stand closed.

SD/- C.H. VENKATESWARULU,
DEPUTY REGISTRAR.

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To,

SECTION OFFICER

1. The V - Additional Metropolitan Sessions Judge, Ranga Reddy district at LB.Nagar, Ranga Reddy
2. The III - Special Magistrate, Hastinapuram, AT L.B. Nagar
3. The Superintendent, Central Prison, Cherlapally
4. One CC to SRI. V BALRAM, Advocate [OPUC]
5. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
6. One CC to SRI. MALIPEDDI SRINIVAS REDDY, Advocate [OPUC]
7. Two CD Copies

ADK

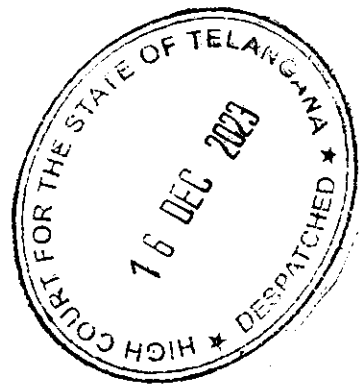


HIGH COURT

DATED:10/10/2023

ORDER

CRLRC.No.851 of 2017



DISPOSING OF THE CRLRC

⑪
16/12/23