APHC010260032005

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3560]**
(Special Original Jurisdiction)

WEDNESDAY, THE 18th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

CRIMINAL REVISION CASE NO: 1140/2005

Between:

1. T.RAVI,, S/O T.NARASIMHULU NAIDU, BUSINESS R/O T.R.KANDRIGA VILLAGE, N.KOTHUR POST, NAGARI MANDAL, CHITTOOR DIST.

...PETITIONER

AND

1. THE STATE OF A P REP BY ITS PUBLIC PROSECUTOR, HIGH COURT OF A.P., HYDERABAD.
2. T S PARTHA SARADHI DIED PER LRS, S/O. KRISHNAMA NAIDU.
3. SMT T P MENAKA, W/O. LATE SRI T.K.PARTHASARATHI, AGED ABOUT 62 YEARS, OCC. HOUSEWIFE, R/O. DOOR NO.17-16-7A, RAMACHANDRANAGAR, TIRUPATI, TIRUPATHI DISTRICT, ANDHRA PRADESH.
4. T P SARVANA, S/O. LATE SRI T.K. PARTHASARATHI, AGED ABOUT 46 YEARS, OCC. PRIVATE SERVICE, R/O. DOOR NO.17-16-7A, RAMACHANDRANAGAR, TIRUPATI, TIRUPATHI DISTRICT, ANDHRA PRADESH.
5. SMT LAVANYA, D/O. LATE SRI T.K. PARTHASARATHI, AGED ABOUT 43 YEARS, OCC. HOUSEWIFE, R/O. DOOR NO.17-16-7A, RAMACHANDRANAGAR, TIRUPATI, TIRUPATHI DISTRICT, ANDHRA PRADESH. SINCE RESPONDENT NO.2 IS DIED, LEGAL HEIRS OF R2 ARE BROUGHT ON THE RECORD AS RESPONDENT NOS. 3 TO 5 IN CRL.R.C.NO.1140 OF 2005, AS PER THE COURT ORDER DATED 17.03.2026 IN I.A.NO.1 OF 2025 IN CRL.R.C.NO.1140 OF 2005.

...RESPONDENT(S):

Revision filed under Section 397/401 of CRPC praying that in the circumstances stated in the Memorandum of grounds filed in support of the CriminalRevisionCase, the High Court may be pleased toto present this Memorandum of Crl.R.C., against the Judgment in Crl.A.No. 232/99, dt. 14.07.05 on the file of the Court of the Spl. Sessions Judge-cum-IV Addl. Sessions Judge, Titupathi, Chittoor Dist..

IA NO: 1 OF 2005(CRLRCMP 1424 OF 2005

Petition under Section 482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition,the High Court may be pleased to suspend the sentence in Crl.A.No. 232/99, dt. 14.07.05 on the file of the Court of the Spl. Sessions Judge-cum-IV Addl. Sessions Judge, Titupathi, and to release the petitioner on bail, pending disposal of the Crl.R.C.

IA NO: 1 OF 2011(CRLRCMP 2906 OF 2011

Petition under Section 482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition,the High Court may be pleased to implead the complaint i.e., T.S.Parthasarathy, S/o Krishnama Naidu, a/a 55 yrs., Proprietor, Swarna Textiles, D.No.4/9, M.G.Road, Ekambarakuppam Village & Post, Nagari Mandal, Chittoor Dist., as 2nd respondent and to amend the cause title in Crl.R.C.No.1140 of 2005.

IA NO: 1 OF 2025

Petition under Section 482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition,the High Court may be pleased pleased to permit the petitioner to bring the proposed Respondents 3 to 5 as party respondents in Crl.R.C.No.1140/2005 being the L.Rs of the deceased 2nd respondent and pass

Counsel for the Petitioner:

1. D KODANDARAMI REDDY

Counsel for the Respondent(S):

1. PUBLIC PROSECUTOR (AP)

The Court made the following:

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

CRIMINAL REVISION CASE No.1140 OF 2005

ORDER:

In spite of service of notices upon legal representatives of deceased complainant/respondent No.2, no Vakalat has been placed on record in respect of respondent Nos.3 to 5 (Legal Representatives).

2. When the matter is taken up for hearing, learned counsel for petitioner submits that, present criminal revision case has been preferred against order of conviction and sentence passed in C.C.No.165 of 1996, which was further affirmed in Crl.A.No.232 of 1999, wherein and whereunder both the Courts below have concurrently found the petitioner to be guilty for an offence punishable under Section 138 of N.I. Act. He further submits that, apart from the merits of the matter, since the petitioner is presently aged about 67 years, he is not in a position to serve out substantive sentence of imprisonment of either description. Therefore**,** he prayed for an order of compensation in lieu of the substantive sentence of imprisonment.

3. Heard Sri D Kodandarami Reddy, learned counsel for petitioner.

4. It appears that, instant criminal revision case has been preferred against judgment dated 14.07.2005, in Crl.A.No.232 of 1999, by learned Special Sessions Judge-cum-IV Additional Sessions Judge, Tirupati, confirming order of conviction and sentence passed by learned Judicial Magistrate of First Class, Nagari, in C.C.No.165 of 1996, dated 05.10.1999.

Learned Magistrate found the petitioner to be guilty for an offence punishable under Section 138 of N.I. Act., and sentenced him to undergo simple imprisonment for a period of six (06) months and to pay a fine of Rs.1,000/-, in default simple imprisonment (I.D.S.I.) for a period of one (01) month and the same was confirmed by the learned Appellate Court.

5. Having heard learned counsel for the petitioner, it appears that the petitioner is aged about 67 years. Admittedly, it is not possible for an old aged person to serve out imprisonment of either description. Punishment as prescribed under Section 138 of the Negotiable Instruments Act, 1881, is imprisonment or a fine which may extend to twice of the cheque amount or both. In this case, complainant has lodged private complaint contending *inter alia* that, accused/petitioner has given two cheques, one dated 07.09.1995, for Rs.20,000/- and the other dated 30.09.1995, for Rs.13,360/-, and total cheque amount in this case is Rs.33,360/-. Considering the entire facts and circumstances of this case, it appears to this Court that, order of conviction and sentence passed by learned Magistrate, confirmed by learned Appellate Court needs to be modified.

6. Accordingly, order of conviction of petitioner under Section 138 of N.I. Act, though confirmed but sentence of imprisonment passed against petitioner is hereby modified to a fine of Rs.75,000/- over and above of the fine already imposed, in *lieu* of sentence of imprisonment; amongst which the

compensation amount would be Rs.70,000/- payable to respondent Nos.3 to 5.

7. Petitioner is directed to deposit the said fine amount along with compensation before the learned trial Court within a period of four (04) weeks from the date of publication of this order. Failing which, order of substantive sentence would follow.

8. Under the above observations, the instant Criminal Revision Case is ***disposed of***. There shall be no order as to costs.

9. Let a copy of the order be served upon learned trial Court for ready references. As a sequel, miscellaneous applications pending, if any, shall stand closed.

JUSTICE SUBHENDU SAMANTA

Dated: 18.11.2026
ASK/CVD