IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HON'BLE JUSTICE B.R.MADHUSUDHAN RAO

CRIMINAL REVISION CASE No.62 of 2026

(CNR.No. HBHC010018112026)

DATED 02.11.2026

Between:
Talusani Venkateshwar Reddy ..Revision petitioner

And

The State of Telangana,
Rep. by its Public Prosecutor,
High Court at Hyderabad and another. ...Respondents

O R D E R

1. This Criminal Revision Case is filed under Sections 438 and 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) aggrieved by the order dated 14.10.2025 in Crl.M.P.No.324 of 2025 in Crl.A.No.512 of 2025 passed by the learned V Additional Sessions Judge at Hyderabad.

2. Heard Sri D.Kulashekhar, learned counsel for the revision petitioner and Sri E. Ganesh, learned Assistant Public Prosecutor, appearing for respondent No.1 – State.

3. Learned counsel for the revision petitioner submits that the learned Appellate Court mechanically imposed 10% deposit condition without recording any reasons, which is contrary to the settled position that Section 148 of the Negotiable

Instruments Act, 1881 (for short, 'the Act, 1881') is discretionary and not mandatory. The impugned order does not disclose any application of mind to the facts of the case, financial capacity of the revision petitioner or the merits of the appeal. The learned Magistrate did not apply the correct judicial view and erroneously convicted the petitioner-accused for the offence under Section 138 of the NI Act, 1881. Learned Magistrate gravely erred in law and on the facts in failing to examine the legality, authenticity and evidentiary value of Ex.P9-Memorandum of Understanding, which is alleged to have been executed by the revision petitioner and prayed to set aside the impugned order.

4. Respondent No.1 is a proforma party to the revision case.

5. Learned counsel for respondent No.2 submits that the learned Appellate Court ought to have imposed 20% of the fine/compensation awarded by the learned trial Court, but has ordered the petitioner-accused to pay 10% of the compensation amount within sixty (60) days from the date of the order (14.10.2025). No interference is called for and prayed to dismiss the petition.

6. Heard both sides and perused the record.

7. Now the point for consideration is: whether the order passed by the learned Appellate Court in Crl.M.P.No.324 of 2025 in Crl.A.No.512 of 2025, dated 14.10.2025, suffers from any perversity or illegality and if so, does it require interference of this Court?

8. Petitioner-accused is tried in C.C.No.11539 of 2022. Complainant adduced evidence and the petitioner-accused did not lead any evidence. On behalf of the complainant, Exs.P1 to P24 are marked. Learned trial Court, considering the evidence adduced by the complainant along with the documents marked therein, allowed the complaint and convicted the petitioner-accused for the offence under Section 138 of the NI Act, 1881, sentenced him to undergo simple imprisonment for a period of six (6) months and also to pay a fine of Rs.2,20,01,000/-. In default of payment of such amount, the accused is sentenced to undergo simple imprisonment for a period of three (3) months, vide Judgment dated 10.09.2025.

9. Petitioner-accused, aggrieved by the above said Judgment, filed Crl.A.No.512 of 2025. In the appeal, the petitioner-accused filed Crl.M.P.No.324 of 2025 under Section 389(1) of Cr.P.C. for suspension of sentence and for grant of bail. Learned Appellate Court, having considered the material on record, passed an

order on 14.10.2025 suspending the sentence imposed by the learned trial Court in C.C.NI.No.11539 of 2022, dated 10.09.2025, subject to the deposit of 10% of the compensation amount before the learned trial Court in the form of FDR within sixty (60) days from the date of the order, in accordance with Section 148 of the NI Act, 1881.

10. On reading Section 148 of the NI Act, 1881, it states that "the Appellate Court may order the appellant to deposit such sum which shall be a minimum of 20% of the fine or compensation awarded by the learned trial Court." Sub-clause (2) states that the amount shall be deposited within sixty (60) days from the date of the order or within such further period not exceeding thirty (30) days as may be directed by the Court on sufficient cause being shown by the appellant.

11. On a perusal of the petition filed by the petitioner-accused in Crl.M.P.No.324 of 2025, wherein he sought suspension of the sentence passed by the learned trial Court, he did not state anything about his financial capacity in the petition. Learned Appellate Court, having exercised its jurisdiction, instead of directing the petitioner-accused to deposit 20% of the fine or compensation awarded by the learned trial Court, considered the matter and directed the petitioner-accused to deposit 10% of

the compensation amount within sixty (60) days, as contemplated under Section 148(2) of the NI Act, 1881.

12. Petition filed by the petitioner in Crl.M.P.No.324 of 2025 is bereft of material particulars with regard to the financial status of the petitioner-accused.

13. This Court is of the view that there is no perversity or illegality in the order passed by the learned Appellate Court in Crl.M.P.No.324 of 2025, dated 14.10.2025. There are no merits in the Criminal Revision Case and the same is liable to be dismissed and is accordingly dismissed.

The interim orders, if any, stands vacated. Miscellaneous applications, if any pending, shall stand closed.

B.R.MADHUSUDHAN RAO, J

Date: 02.11.2026
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