

HON'BLE SRI JUSTICE K. SREENIVASA REDDY

Criminal Revision Case No.286 of 2023

Order:

This Criminal Revision Case, under Sections 397 and 401 Cr.P.C., has been filed by the petitioner to set aside the order dated 17.02.2023 passed in Crl.M.P.No.75 of 2023 in Crl.Appeal No.44 of 2023 by the learned VII Additional District & Sessions Judge-cum-IV Additional Metropolitan Sessions Judge, Vijayawada.

2) The petitioner herein was convicted vide judgment dated 23.01.2023 in C.C.No.17 of 2020 on the file of the learned IV Special Magistrate, Vijayawada, for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and petitioner herein is sentenced to undergo simple imprisonment for a period of six months and also pay fine of Rs.12,00,000/-, in default, to suffer S.I for four months. Out of the fine amount of Rs.12,00,000/-, an amount of Rs.11,90,000/- shall be ordered to pay to PW1 towards compensation.

3) Against the said judgment, the petitioner herein preferred Criminal Appeal No.44 of 2023 on the file of the learned VII Additional District & Sessions Judge-cum-IV Additional Metropolitan Sessions Judge, Vijayawada and also filed Crl.M.P.No.75 of 2023 therein under Section 389(1) Cr.P.C. By an order dated 17.02.2023, the Appellate Court allowed the petition suspending the sentence imposed on the petitioner on the same terms imposed by the trial Court and on condition of

depositing 20% of the compensation amount within a period of two months from the date of order.

4) Against the said order, the present Criminal Revision Case is filed by the petitioner on the ground that the petitioner is in financial crises to pay 20% of the compensation amount and due to which he could not comply the order passed by the Court and hence prays to modify the said condition.

5) Having regard to the submissions made and considering the facts and circumstances of the case, the Criminal Revision Case is allowed, directing petitioner to deposit 20% of the cheque amount, within a period of eight (8) weeks, from the date of receipt of copy of this order.

As a sequel thereto, the miscellaneous applications, if any, pending in this Criminal Revision Case shall stand closed.

K. SREENIVASA REDDY, J

13.04.2023
ARB

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Dated:13.04.2023

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