

HON'BLE SRI JUSTICE K. SREENIVASA REDDY

Criminal Revision Case No.332 of 2023

Order:

This Criminal Revision Case has been filed against the order dated 23.09.2022 passed in Criminal Appeal No.15 of 2022 by the learned IV Additional District Judge, Guntur.

2. The first respondent herein filed a private complaint against the petitioner herein for the offence punishable under Section 138 read with 142 of the Negotiable Instruments Act and the same was taken on file as CC No.29 of 2017 on the file of the learned I Additional Judicial Magistrate of First Class, Guntur. The learned Magistrate, after full fledged trial, by judgment dated 07.02.2022, found the petitioner herein guilty of the offence punishable under Section 138 of the Act, accordingly convicted him and sentenced to undergo simple imprisonment for a period of six months and also to pay an amount of Rs.18,00,000/- to the complainant towards compensation, within one month from the date of judgment.

3. Aggrieved by the said judgment, the petitioner herein preferred Criminal Appeal No.15 of 2022 before the learned IV Additional District Judge, Guntur, and in the said appeal, the petitioner filed CrI.MP No.65 of 2022 seeking suspension of operation of sentence imposed by the trial Court. The appellate Court, by an order dated 02.03.2022, suspended execution of sentence imposed

and compensation awarded by the trial Court and the petitioner herein was directed to be released on bail on the same terms and conditions imposed by the learned Magistrate and on condition of petitioner depositing 20% of the compensation amount before trial Court within 60 days. However, on the application made by the petitioner in CrI.MP No.1007 of 2022, the appellate Court, by an order dated 05.05.2022, granted further one month time to the petitioner for payment of 20% compensation. Even then, as the petitioner did not deposit the 20% of compensation amount as ordered in CrI.MP No.65 of 2022, dated 02.03.2022, the appellate Court, by the impugned order dated 23.09.2022, cancelled the suspension of sentence orders and also bail granted to the petitioner and directed the lower court to issue conviction warrant and send the petitioner herein to jail. Aggrieved by the said order, the petitioner filed the present Revision Case.

4. Heard. Perused the material on record.

5. Learned counsel for the petitioner contended that due to Covid-19 pandemic, the petitioner suffered loss in the business and hence she was not in a position to comply with the order dated 02.03.2022 and now she is ready and willing to pay 20% of the compensation amount which was ordered by the lower appellate Court.

6. In view of the aforesaid facts and circumstances of the case, the impugned order dated 23.09.2022 passed in Criminal Appeal No.15 of 2022 by the learned IV Additional District Judge, Guntur, is set aside. The petitioner is granted time of four weeks from the date of receipt of a copy of this order to pay 20% of the compensation amount.

7. The Criminal Revision Case is, accordingly, disposed of.

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

Dated:24.04.2023
Nsr

K. SREENIVASA REDDY, J

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