

THE HON'BLE SRI JUSTICE K.SURESH REDDY

CRIMINAL REVISION CASE No. 635 OF 2023

JUDGMENT:

The petitioner-accused faced trial in C.C.No. 326 of 2016 on the file of the Court of learned III Metropolitan Magistrate, Vijayawada (for short, 'the trial Court'), for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the Act'). After completion of trial and after considering the entire evidence on record, the trial Court, by judgment dated 08-02-2023, convicted the petitioner for the offence punishable under Section 138 of the Act and sentenced her to suffer simple imprisonment for a period of two years and also to pay a fine of Rs.6,00,000/-, *i.e.* double the cheque amount, in default to suffer simple imprisonment for four months, and the fine amount is ordered to be given to respondent No. 2-complainant towards compensation under Section 357 (2) Cr.P.C.

2. Questioning the said conviction and sentence, the petitioner herein filed Criminal Appeal No. 56 of 2023 on the file of the Court of learned V Additional Metropolitan Sessions Judge, Vijayawada

(for short, 'the appellate Court'). The appellate Court, by order dated 06-03-2023 in Criminal M.P.No. 164 of 2023 in Criminal Appeal No. 56 of 2023, suspended the sentence of imprisonment and also directed the petitioner-accused to deposit 20% of the compensation amount awarded before the trial Court within a period of two months. Thereafter, the petitioner-accused filed Criminal M.P.No. 229 of 2023 seeking extension of time to deposit 20% of the compensation amount awarded. The appellate Court, by order dated 01-05-2023, granted further 30 days' time to comply with the order dated 06-03-2023. However, the petitioner-accused could not comply with the order dated 06-03-2023 even after grating 90 days' time.

3. Learned counsel for the petitioner-accused submits that since the petitioner-accused has been suffering from paralysis, she could not pay 20% of the compensation amount within the time granted by the appellate Court and therefore the petitioner now requests this Court to extend time to pay the compensation amount.

4. Having regard to the submission made by learned counsel for the petitioner-accused, the petitioner-accused is directed to deposit 20% of the compensation amount awarded before the trial Court on or before 11-08-2023. It is however made clear that no further extension of time will be granted.

5. The criminal revision case is disposed of accordingly at the stage of admission. Pending miscellaneous applications, if any, shall stand closed in consequence.

JUSTICE K.SURESH REDDY

Date: 25-07-2023,
JSK

HON'BLE SRI JUSTICE K.SURESH REDDY

CRIMINAL REVISION CASE No. 635 OF 2023

DATE: 25TH JULY, 2023

JSK