

HIGH COURT OF ANDHRA PRADESH : AMARAVATI

THURSDAY, THE ELEVENTH DAY OF JULY,
TWO THOUSAND AND NINETEEN

:PRESENT:

THE HON'BLE SRI JUSTICE **D.V.S.S.SOMAYAJULU**

I.A. NO: 1 of 2017 (CrI.RC.M.P.NO. 5093 OF 2017)

IN

CRL.R.C. NO: 3147 of 2017

Between:

Jeshta Ramesh Babu, S/o. Nageswara Rao

Petitioner/Accused
(Petitioner in CrI. RC. No. 3147 of 2017
on the file of High Court)

AND

1. N.Srikanth, S/o. N.V.V.Nagaraju, R/o. Durgapuram, Vijayawada.
Respondent/Complainant
2. The State of Andhra Pradesh, rep by its Public Prosecutor, High Court of A.P.
Respondent
(Respondent in-do-)

Petition under Section 397(1) of Cr.P.C., praying that in the circumstances stated in the petition, the High Court may be pleased to suspend the execution of sentence passed in CC.No. 149 of 2015 on the file of II Special Magistrate Court, Vijayawada (old CC.No. 604 of 2012 on the file of the III Addl. Chief Metropolitan Magistrate Court, Vijayawada) as confirmed in CrI.A.No. 64 of 2015 on the file of XIII Addl. District & Sessions Judge, Krishna at Vijayawada, dated. 02-11-2017 and release the petitioner on bail, pending disposal of CrI.RC. No. 3147/2017 on the file of the High Court.

The Petition coming on for hearing upon perusing the petition and grounds filed herein and upon hearing the arguments of Sri T.Pradyumna Kumar Reddy, Advocate for the Petitioner, Sri C.Prakash Reddy, Advocate for the Respondent No.1 and of the Public Prosecutor for the Respondent No.2, the Court made the following

ORDER:

“ Petitioner is the accused. He has been convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced to suffer simple imprisonment for one year and pay a fine of Rs. 12,00,000/-, vide judgment dated. 06-04-2015 in CC.No. 149 of 2015 on the file of the Court of II Special Magistrate, Vijayawada. Out of the fine amount of Rs. 12,00,000/-, an amount of Rs. 11,00,000/- was awarded to the complainant towards compensation. The matter was carried in appeal and the Court of XIII Additional Sessions Judge (Fast Track Court), Krishna at Vijayawada, by judgment dated 02-11-2017 dismissed Criminal Appeal No. 64 of 2015, confirming the conviction and sentence imposed by the trial Court.

From a reading of the docket in this revision case, it is clear that the matter was heard by my Predecessor, Justice A.Shankar Narayana. Today, this Court heard Sri T.Pradyumna Kumar Reddy, learned counsel for the petitioner and of Sri C.Prakash Reddy, learned counsel for first respondent.

There shall be suspension of substantive sentence of imprisonment alone on condition of the petitioner depositing a sum of Rs. 12,00,000/- (Rupees twelve lakhs only) into the trial Court within a period of four weeks from today. The petitioner is directed to be enlarged on bail on his executing a personal bond for a sum of Rs. 10,000/- with two sureties for a like sum each to the satisfaction of Court of II Special Magistrate, Vijayawada. On such deposit, the first respondent-complainant is entitled to withdraw a sum of Rs. 11,00,000/- (Rupees eleven lakhs only) without furnishing any security.

If the deposit is not made, as stipulated, order of suspension shall stand vacated automatically.

..2..

List on 22-08-2019 for reporting compliance.”

Sd/- I.NAGA LAKSHMI
ASSISTANT REGISTRAR

//TRUE COPY//

for ASSISTANT REGISTRAR

To

1. The XIII Addl. District & Sessions Judge, Krishna at Vijayawada.
2. The II Special Magistrate Court, Vijayawada, Krishna District.
3. Two CCs to Public Prosecutor, High Court, A.P(OUT)
4. One CC to Sri T.Pradyumna Kumar Reddy, Advocate(OPUC)
5. One CC to Sri C.Prakash Reddy, Advocate(OPUC)
6. One spare Copy.

SAH

HIGH COURT

DVSSJ

DATED: 11-07-2019

NOTE: LIST ON 22-08-2019

ORDER

**I.A. NO. 1 OF 2017 (CRL.RC.M.P.NO. 5093 OF 2017)
IN
CRL.R.C. NO. 3147 OF 2017**

DIRECTION

**DRAFTED BY: SAH
APPROVED BY:
DRAFTED ON: 12-07-2019**

HIGH COURT

DVSSJ

DATED: 11-07-2019

NOTE: LIST ON 22-08-2019

ORDER

**I.A. NO. 1 OF 2017 (CRL.RC.M.P.NO. 5093 OF 2017)
IN
CRL.R.C. NO. 3147 OF 2017**

DIRECTION