

HIGH COURT FOR THE STATE OF TELANGANA: HYDERABAD

MAIN CASE No.: CrI.R.C.No.236 of 2023

PROCEEDING SHEET

Sl. No	DATE	ORDER	OFFICE NOTE
01	24-04-2023	<u>GAC,J</u> <u>CrI.R.C.No.236 of 2023</u> Admit. Call for records. Issue notice. Personal notice is permitted. List on 27.07.2023. <u>I.A.No.01 of 2023</u> Dispensed with for the present. <u>I.A.No.02 of 2023</u> This application is filed seeking suspension of sentence in CrI.A.No.65 of 2021, dated 24.03.2023 on the file of learned IV Additional Metropolitan Sessions Judge, Hyderabad, confirming the judgment of learned XV Special Magistrate, Hyderabad, in C.C.No.408 of 2019(old C.C.No.5206 of 2019), dated 02.02.2021 whereby, the petitioner/accused was found guilty of the offence punishable under section 138 of N.I. Act and accordingly the petitioner/accused was convicted under Section 255(2) of Cr.P.C and sentenced to suffer Simple Imprisonment for 1(one) year and to pay a fine of Rs.15,00,000/- payable within 1(one) month, in default, to undergo Simple Imprisonment for 3(three) months. Out of fine amount, Rs.14,00,000/- are awarded as compensation to complainant Contd..	Transferred to I.O. folder before making corrections

		and remaining fine amount to Government exchequer. Fine amount, if paid, shall go first to compensation and then to Government exchequer. The petitioner/accused aggrieved by the dismissal of criminal appeal, has preferred this Criminal Revision Case. Heard learned counsel for the petitioner/accused as well as the learned Assistant Public Prosecutor for respondent No.2/State and perused the record including the judgments of the trial Court and the appellate Court, and the grounds of criminal revision. It is submitted by the learned counsel for the petitioner/accused that the trial Court has convicted accused without proper consideration of facts of the case and the defence of the petitioner. Taking into consideration the facts and circumstances of the case, this Court is of the considered view that this is a fit case for suspension of sentence alone. In the result, the sentence alone imposed in C.C.No.408 of 2019(old C.C.No.5206 of 2019), dated 02.02.2021 on the file of learned XV Special Magistrate, Hyderabad, as confirmed by the learned IV Additional Metropolitan Sessions Judge, Hyderabad in CrI.A.No.65 of 2021, dated 24.03.2023, against the petitioner/accused, is hereby suspended, subject to payment of 25% of the cheque amount within a period of four weeks from today. Contd..	
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Further, the petitioner is directed to surrender before the lower appellate Court on or before 15.05.2023 and on such surrender, he is ordered to be enlarged on bail on executing personal bond for Rs.25,000/- (Rupees Twenty Five Thousand only) and two sureties for a like sum each to the satisfaction of the learned IV Additional Metropolitan Sessions Judge, Hyderabad.

If the petitioner fails to deposit the 25% of cheque amount as directed above, this order shall automatically stand cancelled.

GAC,J

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