

APHC010455012024



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3365]
(Special Original Jurisdiction)**

**TUESDAY, THE TWENTY FIRST DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE JUSTICE K SREENIVASA REDDY

CRIMINAL REVISION CASE NO:1021/2024

Between:

Shaik Mohammad Ali **...PETITIONER**

A N D

The State Of Andhra Pradesh and Others **...RESPONDENT(S)**

Counsel for the Petitioner:

1.CHAMARTHY LEELA SRINNIVASA VARMA

Counsel for the Respondent(S):

1.PUBLIC PROSECUTOR

The Court made the following:

ORDER:

This Criminal Revision Case was filed by the petitioner herein/accused against the Order, dated 24.09.2024 passed in Crl.M.P.No.36 of 2024 in Criminal Appeal No.80 of 2024 by the learned V Additional District and Sessions Judge, Tirupathi.

2. The respondent No.1 is the complainant in Calendar Case No.4341 of 2021 on the file of the IV Additional Judicial Magistrate of First Class, Tirupati and he filed the complaint against the petitioner herein, who is accused therein, for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (for brevity 'the NI Act'). The trial Court, after full-fledged trial, convicted the petitioner/accused of the aforesaid offence in terms of Section 255 (2) of the Code of Criminal Procedure, 1973 (for brevity 'CrPC') and sentenced him to undergo simple imprisonment for a period of one (01) year and to pay cheque amount of Rs.10,00,000/- (Rupees ten lakhs only) and in case of default of payment, he shall suffer simple imprisonment for a further period of ten (10) days.

3. Aggrieved by the said conviction and sentence, the petitioner/accused preferred appeal *vide* Criminal Appeal No.80 of 2024 before the learned V Additional District and Sessions Judge, Tirupati. Learned counsel for the petitioner/accused filed

Crl.M.P.No.36 of 2024 in Criminal Appeal No.80 of 2024 under Section 389 (1) CrPC praying the Court to suspend the execution of sentence, imposed in the Judgment dated 17.05.2024 passed in C.C.No.4341 of 2021 by the trial Court.

4. A further perusal of the material on record goes to show that *vide* Order, dated 18.06.2024, the learned Appellate Judge, allowed the Crl.M.P.No.36 of 2024 suspending the sentence imposed against the petitioner/accused and ordered to release the petitioner/accused on bail on the same terms and conditions as imposed by the learned IV Additional Judicial Magistrate of First Class, Tirupathi. Further, learned Appellate Judge imposed a condition that the petitioner/accused shall deposit 20% of the compensation amount awarded by the trial Court within a period of sixty (60) days and he shall attend each and every adjournment before the appellate Court on the date of hearing.

5. Learned counsel for the petitioner/accused submitted that the petitioner herein/accused preferred the present Criminal Revision Case stating that as the condition that was imposed by the learned Appellate Judge directing the petitioner/accused to deposit 20% of the compensation amount, has not been complied with, the Appellate Court, *vide* impugned

Order, dated 24.09.2024, cancelled the Order, dated 18.06.2024 passed in CrI.M.P.No.36 of 2024 and the pursuant to the same, non-bailable warrant was issued against the petitioner/accused and the same has been executed by the police on 20.01.2025 and the petitioner/accused was remanded to judicial custody.

6. Heard learned counsel for the petitioner/accused and learned Assistant Public Prosecutor for State/respondent No.1.

7. Learned counsel appearing on behalf of the petitioner/accused submitted that the petitioner/accused is ready to deposit the compensation amount as directed by the appellate Court and craves leave of this Court to deposit the same before the learned IV Additional Judicial Magistrate of First Class, Tirupati.

8. In view of the facts and circumstances and in view of the submission made by the learned counsel for the petitioner/accused, the sentence imposed by the trial Court is suspended, pending disposal of the Criminal Appeal, and the petitioner/accused is ordered to be enlarged on bail on executing personal bond for a sum of Rs.5,000/- (Rupees five thousand) with two sureties for likesum each to the satisfaction of the learned IV Additional Judicial Magistrate of First Class,

Tirupati and further, the petitioner/accused shall deposit 20% of the compensation amount as awarded by the trial Court within a period of four (04) weeks from today.

9. Accordingly, the Criminal Revision Case is disposed of.

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

JUSTICE K. SREENIVASA REDDY

21st January, 2025.

Note:

Issue CC by forthwith.

B/o.

DNB