

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 747 OF 2018
[@ SPECIAL LEAVE PETITION (CRL.) NO. 1628 OF 2017]

M V AMREETH

Appellant(s)

VERSUS

K VENKATA KRISHNA & ANR.

Respondent(s)

J U D G M E N T

KURIAN, J.

1. Leave granted.
2. The appellant is aggrieved since the High Court, while admitting the revision against the conviction in respect of an offence under Section 138 of Negotiable Instruments Act, imposed a condition of deposit of 1/4th of the cheque amount. This was in addition to the fine which the appellant had already remitted.
3. When the matter came up before this Court, on 02.03.2017, the following order was passed :-

"It is pointed out by the learned counsel for the petitioner and we have verified too that the sentence of fine was only Rs.10,000/- (Rupees Ten Thousand) by the learned Magistrate, which was affirmed in the appeal and that the said amount of Rs.10,000/- (Rupees Ten Thousand) has already been remitted.

No doubt, the Revisional Court has jurisdiction to impose appropriate conditions while suspending the sentence. However, having regard to the fact that the learned Magistrate while ordering the sentence has limited the fine to Rs.10,000/- (Rupees Ten Thousand), which has been paid also, we are of the view that the condition imposed by the High Court, at this stage, for suspension of sentence is not warranted, in the peculiar facts of this case.

Issue notice.

There will be stay of that part of the direction in the impugned order for deposit of 1/4th of the cheque amount and subject to other conditions in the order, the protection granted by the High Court will continue to operate until further orders."

4. The learned counsel for the first respondent submits that he has no objection in allowing the appeal in case the Court could direct the High Court to dispose of the Revision Petition expeditiously. Accordingly, the interim direction issued by the High Court for deposit of 1/4th of the cheque amount is vacated. We request the High Court to dispose of Criminal Revision Case No. 89 of 2017 expeditiously

and preferably within six months from today, in view of the fact that the first respondent is a senior citizen.

5. In view of the above, the appeal is disposed of.

.....J.
[KURIAN JOSEPH]

.....J.
[MOHAN M. SHANTANAGOUDAR]

New Delhi;
May 15, 2018.

ITEM NO.38

COURT NO.5

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (Crl.) No. 1628 of 2017

M V AMREETH

Appellant(s)

VERSUS

K VENKATA KRISHNA & ANR.

Respondent(s)

Date : 15-05-2018 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGODARFor Appellant(s) Mr. G. V. R. Choudary, Adv.
Mr. K. Shivraj Choudhuri, AOR
Mr. A. Chandra Sekhar, Adv.
Ms. Ayushi Goel, Adv.

For Respondent(s) Mr. Manoj C. Mishra, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is disposed of in terms of the signed
non-reportable Judgment.

Pending Interlocutory Applications, if any, stand disposed of.

(JAYANT KUMAR ARORA)
COURT MASTER(RENU DIWAN)
ASSISTANT REGISTRAR

(Signed non-reportable Judgment is placed on the file)