

APHC010765842015



IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

[3560]

THURSDAY, THE THIRTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

CRIMINAL REVISION CASE NO: 1282/2015

Between:

1.DADI LEELARANI, VISAKHAPATNAM DT.,, W/O RARNALCRISTINA SRINIVASA RAO, HINDU, AGED ABOUT 45 YEARS, BUSINESS, R/O D.NO.13-9-24,BOYINAVARI STREET, ANAKAPALLI, VISAKHAPATNAM DISTRICT.

...PETITIONER

AND

1.STATE OF AP REP PP AND ANR, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF JUDICATURE AT HYDERABAD FOR THE STATE OF TELANGANA AND THE STATE OF A.P.

2.ADARI SURIBABU, S/O RAMUNAIDU, HINDU, AGED 57 YEARS, CULTIVATION RESIDING AT PANCHAYAT STREET, MUNAGAPAKA, MUNAGAPAKKA MANDAL, VISAKHAPATNAM DISTRICT.

...RESPONDENT(S):

Revision filed under Section 397/401 of CrPC praying that in the circumstances stated in the affidavit filed in support of the Criminal Revision Case, the High Court may be pleased to this Memorandum of Criminal Revision Case aggrieved the judgment dt.06-07-2015 in CrI.A.No. 54 of 2011 in the court of the Sessions Judge, Mahila Court, Visakhapatnam dismissing the appeal and confirming the conviction and sentence imposed in judgment C.C.No. 1 of 2010 dt 14-09-2011 in the court of the Additional Metropolitan Magistrate, Anakapalli, Visakhapatnam District convicting the petitioner for offence under sections 138 r/w 142 of N.I.Act and sentencing petitioner to undergo simple imprisonment for a period of 6 months and to pay

compensation of Rs.25,000/- in default to pay compensation to suffer Simple Imprisonment for a period of 3 months.

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Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the sentence of imprisonment imposed in judgment dt 14-092011 in C.C.No. 1 of 2010 in the court of the Additional Metropolitan Magistrate, Anakapalli, Visakhapatnam District as confirmed by judgment dt 06.07.2015 in Crl.A.No. 54 of 2011 in the court of the Sessions Judge, Mahila Court, Visakhapatnam and enlarge the petitioner on Bail pending the above Crl.R.c and pass such other order or orders in the circumstances of the case.

Counsel for the Petitioner:

1.T V SRI DEVI

Counsel for the Respondent(S):

1.PUBLIC PROSECUTOR (AP)

The Court made the following:

THE HON'BLE SRI JUSTICE SUBHENDU SAMANTA

CRIMINAL REVISION CASE NO: 1282 OF 2015

ORDER:

1. The instant criminal revision case has been preferred against the order of conviction and sentence passed by learned trial court for the offence punishable under section 138 of Negotiable Instruments Act.
2. Learned counsel for the petitioner frankly submits that his client is ready to repay the cheque amount to the de facto complainant.
3. By the order of learned trial court, the petitioner was convicted and sentenced to undergo rigorous imprisonment for six months and to pay compensation under Section 357(3) of the Code of Criminal Procedure to the complainant in a sum of Rs.25,000/-, which is equivalent to the impugned cheque amount. In default of payment, the petitioner was directed to suffer simple imprisonment for a period of three months.
4. On a plain perusal of Section 138 of the Negotiable Instruments Act, the offence of dishonour of cheque may be punished up to twice the cheque amount. In the present case, the petitioner, having been convicted, expresses his readiness to repay twice the cheque amount to the complainant.
5. Considering the facts and submissions of learned counsel for the petitioner, the order of conviction passed by learned trial court is hereby modified. The sentence of rigorous imprisonment for six months is

waived. The petitioner is directed to pay compensation to the complainant in a sum of Rs.50,000/- within eight weeks from the date of this order. Since the 2nd respondent, who was the complainant, has expired, the petitioner shall deposit the amount before the learned trial court. The legal heirs of the 2nd respondent shall receive the said amount upon proper certification and verification.

6. Accordingly, the criminal revision case is disposed of.
7. Miscellaneous petitions, if any, pending in this criminal revision case shall stand closed.

JUSTICE SUBHENDU SAMANTA

Dt.30.04.2026

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