

**THE HONOURABLE SRI JUSTICE RAJA ELANGO**

**CRIMINAL REVISION CASE No.1694 of 2005**

**30-09-2013**

**BETWEEN:**

Perikala Bhaskara Rao

.....Petitioner

**AND**

Ala Sambasiva Rao & another

.....Respondents

**THIS COURT MADE THE FOLLOWING ORDER:**

**THE HONOURABLE SRI JUSTICE RAJA ELANGO**

**CRIMINAL REVISION CASE No.1694 of 2005**

**ORDER:**

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This Revision is filed by the sole accused challenging the judgment dated 26.9.2005 in CrI.A.No.147 of 2004, whereby the learned I Additional District & Sessions Judge, Ongole dismissed the appeal confirming the judgment of II Additional Judicial First Class Magistrate, Ongole dated 6.10.2004 in C.C.No.549 of 2003, whereby the learned Magistrate convicted the petitioner for the offence under Section 138 of Negotiable Instruments Act and sentenced him to undergo S.I. for 6 months and to pay compensation of Rs.1,50,000/- to the complainant.

After arguing for sometime, learned counsel for the petitioner confined his arguments only to the extent of quantum of sentence. The concurrent findings recorded by both the Courts below are based on evaluation of the evidence in proper perspective and no grounds are made out to interfere with the same. Therefore, the conviction imposed on the petitioner herein is confirmed. However, having regard to the facts and circumstances of the case and nature of the offence, the sentence of imprisonment imposed on the petitioner herein is set aside and modified to fine of Rs.1,50,000/-. The petitioner is directed to deposit the said fine amount before the Court below within six months from today, in default, he shall undergo rigorous imprisonment for three months. On such deposit of said amount, the Court below is directed to pay the same to the complainant as additional compensation.

The revision is disposed of accordingly.

Miscellaneous petitions, if any, pending shall stand closed.

30.09.2013

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**RAJA ELANGO,J**

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