

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1148 OF 2015

ORDER:

The petitioner has preferred the present criminal revision case by invoking the provisions under Sections 397 and 401 of Code of Criminal Procedure (Cr.P.C.,) being aggrieved by the docket order dated 19.06.2015 passed in CrI.A.S.R.No.3854 of 2015 on the file of the Metropolitan Sessions Judge, Cyberabad, at L.B.Nagar.

Heard and perused the material available on record.

This Court feels it necessary to extract the impugned docket order, dated 19.06.2015, in CrI.A.S.R.No.3854 of 2015 passed by the Metropolitan Sessions Judge, Cyberabad, at L.B.Nagar and the same reads as under.

Heard. The office is directed to register the Appeal if it is otherwise in order, on payment of half (1/2) of the fine amount i.e., Rs.1,25,000/- (Rupees one lakh twenty five thousand only) by each of the appellant/accused imposed by the trial Court in C.C.No.917 of 2012 before the learned IX Metropolitan Magistrate, Cyberabad, Kukatpally, at Miyapur, on or before 06/07/2015.

This Court is of the view that the lower appellate Court has no power to pass the above impugned order even prior to the appeal being numbered and placed before the Court for its hearing, directing the Registry to number the appeal only on payment of half of the fine amount imposed by the trial Court. The said order passed by the lower appellate Judge is totally erroneous. Hence, the order impugned is hereby set aside. Further, the learned Sessions Judge is directed to direct the Registry to number the Appeal and also to pass appropriate orders after hearing the appeal at the time of admission. Liberty is given to the petitioner to approach this Court for appropriate remedy, if the lower appellate Court imposes condition of depositing 50% of the fine amount again.

The Criminal Revision Case is accordingly disposed of. Consequently, the miscellaneous petitions pending in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

01.07.2015

pln