

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE Nos.199 and 200 of 2015

COMMON ORDER:

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The petitioners, who are accused in C.C.Nos.238 and 237 of 2013 (old C.C.No.525 of 2013 on the file of VI A.C.M.M.), preferred these Criminal Revision Cases under Sections 397 and 401 of the Code of Criminal Procedure (Cr.P.C.) aggrieved by the order dated 29.01.2015 wherein the application filed for condoning the delay of 32 days in preferring the appeal against the order of conviction in C.C.Nos.238 and 237 of 2013 was dismissed due to no representation.

By an order dated 12.09.2014, learned XVI Special Magistrate, Hyderabad, convicted the petitioners herein who were tried in C.C.Nos.238 and 237 of 2013 (old C.C.No.525 of 2013) for an offence under Section 138 of Negotiable Instrument Act, consequently sentenced them to pay fine of Rs.6 lakhs, within two months from the date of the order in default to undergo simple imprisonment for six months. Challenging the same, the accused preferred CrI.M.P.2530 of 2014 and CrI.P.MP.No.2529 of 2014 in Criminal Appeals (not numbered) on the file of Metropolitan Sessions Judge, Hyderabad, seeking condonation of delay of 32 days in preferring the appeal. It is stated that on 29.01.2015, there was no representation on behalf of the petitioners/accused and since the first respondent was ready, learned Metropolitan Sessions Judge, Hyderabad, dismissed the appeals. Challenging the same the present revision is filed.

Heard learned counsel for the petitioners and learned counsel for the respondents.

Learned counsel for the petitioners submit that grave injustice would be done to the petitioners if the delay is not condoned as they have fair chances of success in the appeal. According to him, the counsel for the petitioners was not present as he could not reach the Court in time due to a mechanical problem to his vehicle and that his non-appearance in the Court on that day was neither willful nor wanton. Since the case relates to

payment of Rs.6,00,000/- as compensation, he submits that the request of the petitioners may be considered. The learned counsel for the respondent opposed the same, but however submits that if the delay is condoned, the appellate Court may be directed to dispose of the petition at the earliest.

Having regard to the circumstances of the case, the order dated 29.01.2015 is set aside and the learned Metropolitan Sessions Judge is directed to consider the application for condonation of delay on merits.

Accordingly, the revisions are allowed and CrI.M.P.Nos.2530 and 2529 of 2014 on the file of Metropolitan Sessions Judge, Hyderabad are restored on its file and the learned Metropolitan Sessions Judge shall dispose of the above M.Ps. on merits. It is made clear that the petitioners shall cooperate and make themselves available before the Court on every date of adjournment.

With the above direction, both the Criminal Revision Cases are disposed of.

As a sequel thereto, Miscellaneous Petitions, if any, pending shall stand closed.

JUSTICE C. PRAVEEN KUMAR

23.02.2015

vhb