

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1077 of 2008

JUDGMENT:

1. This revision is filed by the petitioner-complainant against the judgment dated 31.8.2005 passed by the XIV Additional Chief Metropolitan Magistrate, Hyderabad, in C.C.No.254 of 2002.

2. Brief facts of the case are as follows:

The petitioner-complainant lent an amount of Rs.65,000/- to the accused and the accused promised to repay the same within reasonable time. But she did not pay the said amount. On several demands, the accused issued two cheques viz., one cheque for Rs.50,000/- and another cheque for Rs.15,000/-. When the petitioner presented the said cheques, the same were dishonoured. Even though the complainant issued a notice to the accused, she did not repay the amount. Hence, the petitioner filed a complaint against the accused for the offence under Section 138 of the Negotiable Instruments Act.

3. The learned XIV Additional Chief Metropolitan Magistrate, Hyderabad took the complaint on file as C.C.No.254 of 2002. During the course of trial, P.W.1 was examined and Exs.P1 to P7 were marked on behalf of the complainant. No oral or documentary evidence was adduced on behalf of the accused.

4. On appreciation of both oral and documentary evidence, the trial Court found the accused guilty for the offence under Section 138 of the Negotiable Instruments Act, convicted and sentenced her to pay a fine of Rs.10,000/- in default to suffer simple imprisonment for two months.

Being not satisfied with the sentence of fine imposed by the trial Court, the complainant filed this revision.

5. Heard and perused the material available on record.

6. From the material available on record, it is apparent that aggrieved by the conviction and sentence imposed by the trial Court, the accused filed appeal viz., CrI.A.No.264 of 2005 before the I Additional Metropolitan Sessions Judge, Hyderabad. The said appeal was dismissed confirming the sentence of fine imposed by the trial Court. In the said appeal, the petitioner herein participated and after hearing the arguments on behalf of the petitioner, the lower appellate Court passed the judgment in the above Criminal Appeal on 20.4.2006. The present revision is filed by the complainant after dismissal of the appeal by the lower appellate Court. In the circumstances, this Court is of the view that the present revision is not maintainable since the judgment challenged herein was confirmed by the lower appellate Court. If the petitioner wants to challenge the sentence imposed against the accused, she has to challenge the judgment of the lower appellate Court.

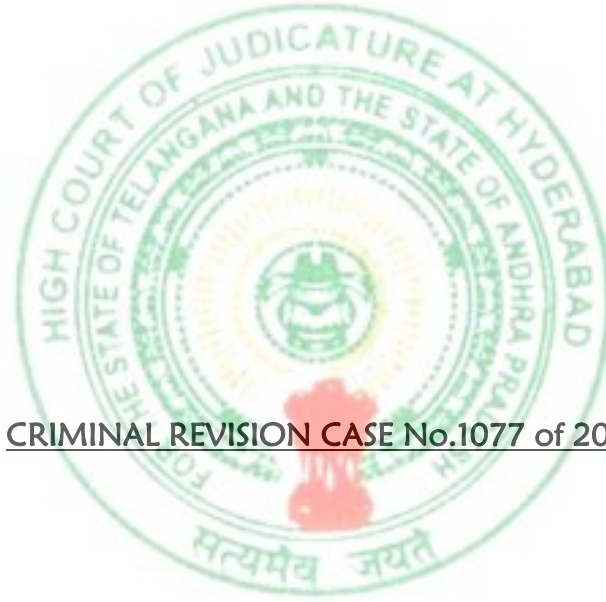
7. Hence, the Criminal Revision Case is dismissed as not maintainable. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

JUSTICE RAJA ELANGO

Dated: 19th September, 2016

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19.9.2016

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