

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.78 OF 2014

ORDER:

This Criminal Revision Case is filed by the revision petitioner/accused under Sections 397 and 401 Cr.P.C. challenging the judgment, dated 21.1.2014, in Criminal Appeal No.457 of 2013 on the file of the Special Judge for Economic Offences – cum – VIII Additional Metropolitan Sessions Judge at Hyderabad whereunder and whereby, the learned Sessions Judge dismissed the appeal filed by the petitioner against the judgment, dated 22.4.2013, in C.C.No.77 of 2011 on the file of the IX Special Magistrate, Hyderabad.

2. Respondent No.2 herein is the complainant and the petitioner herein is the accused. Respondent No.2 filed a private complaint against the petitioner before the IX Additional Chief Metropolitan Magistrate, Hyderabad for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and the same was numbered as C.C.No.1912 of 2010. Later, the case was transferred to the Court of the IX Special Magistrate, Hyderabad and the same was re-numbered as C.C.No.77 of 2011. The learned Magistrate found the accused guilty for the offence punishable under Section 138 of the Negotiable Instruments Act and accordingly, convicted and sentenced him to undergo simple imprisonment for a period of six months and to pay a fine of Rs.3,000/- and in default, to undergo simple imprisonment for a period of one month under Section 255(2) Cr.P.C. In addition to that, he was directed to pay a sum of Rs.26,635/- to the complainant under Section 357 Cr.P.C. Aggrieved thereby, the petitioner preferred the aforementioned appeal and the same was dismissed by the learned Sessions Judge confirming the order of the trial Court on the ground that the trial Court has not committed any error. Challenging the said judgment, the petitioner filed this Revision Case.

3. Heard and perused the material available on record.

4. The matter pertains to the year 2014. Respondent No.2 has not entered appearance till date. Learned counsel for the petitioner is also absent even though the case is posted under the caption "For dismissal". Basing on the concurrent findings of the Courts below, the petitioner was rightly convicted and hence, this Court is not inclined to interfere with the conviction imposed by the Courts below. However, taking into consideration of the fact that the amount involved in this case is only Rs.26,635/-, the sentence of imprisonment against the petitioner is set aside and the fine imposed against him is enhanced from Rs.3,000/- to Rs.26,635/-. The petitioner is directed to pay the said amount to respondent No.2 on or before 24.8.2016 towards compensation and in default, to undergo simple imprisonment for a period of three (3) months.

5. Accordingly, this Criminal Revision Case is partly allowed.

6. Miscellaneous petitions pending, if any, in this Criminal Revision Case shall stand closed.

JUSTICE RAJA ELANGO

15.7.2016

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