

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.2930 of 2015

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ORDER:

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Aggrieved by the order dated 25.08.2015 passed in Crl.M.P.No.1312 of 2015 in Crl.A.(SR) No.5764 of 2015 on the file of the Metropolitan Sessions Judge, Hyderabad, wherein and whereunder an application filed under Section 127 of Criminal Rules of Practice to condone the delay of 230 days in filing the appeal against the judgment dated 07.10.2014 passed in C.C.No.229 of 2013 on the file of the II Special Magistrate, Hyderabad, was rejected, the present Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C.

The second respondent herein filed a private complaint against the petitioner for an offence punishable under Section 138 of Negotiable Instruments Act, 1881, which was numbered as C.C.No.229 of 2013. By an order, dated 07.10.2014, the learned II Special Magistrate, Hyderabad, convicted the petitioner and sentenced him to suffer rigorous imprisonment for a period of six months for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and to pay compensation of Rs.2,60,000/- within a period of two months from that day, in default to suffer simple imprisonment for a period of three months. Challenging the same, the petitioner filed an appeal before the Court of Metropolitan Sessions Judge, Hyderabad, with a petition i.e. Crl.M.P.No.1312 of 2015, seeking condonation of delay of 230 days in filing the appeal. The learned Metropolitan Sessions Judge dismissed the said application on the ground that the petitioner did not choose to file any medical record pertaining to his illness. Aggrieved by the same, the present revision is filed.

It is true that there is a delay of 230 days in filing the appeal. But a perusal of the material on record would show that the petitioner was

suffering with jaundice and unable to move from bed, which is supported by the medical certificate issued by the Medical Officer, Primary Health Centre, Singarayakonda. Having regard to the facts and circumstances of the case, the impugned order is set aside and the delay of (230) days in filing the appeal is condoned.

Accordingly, the Criminal Revision Case is allowed. Miscellaneous petitions, if any, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

29.02.2016

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