

HON'BLE SRI JUSTICE M.S.K.JAISWAL

Criminal Petition No.4214 of 2015

ORDER:-

The petition is filed to stay all further proceedings in Criminal Appeal No.442 of 2013 on the file of the II-Additional Metropolitan Sessions Judge, Hyderabad, in view of the fact that in between the same parties, there was another transaction similar to the one that is under consideration in Criminal Appeal No.442 of 2013 and the said case was pending trial on the file of the Special Magistrate-V, Hyderabad, in C.C.No.171 of 2011.

It is submitted that the disposal of Criminal Appeal No.442 of 2013 while the Calendar Case is pending, which involves same set of facts, will prejudicially affect and therefore the Criminal Appeal need to be stayed.

It is not denied that in between the same parties, two cases were filed viz., C.C.Nos.171 of 2011 and 182 of 2012 on the file of the same Court under the provisions of Negotiable Instruments Act. One Calendar Case came to be disposed of against which the Criminal Appeal was filed. The other Calendar Case is still pending and by virtue of Orders in Criminal Petition No.1448 of 2014, all further proceedings in the said Calendar Case have been stayed by the High Court. Vide Orders of even date, the said Criminal Petition No.1448 of 2014 has been disposed of and the stay stood vacated.

It is needless to say that when identical questions or facts are involved in between the same parties, both the cases should be disposed of simultaneously even if it is by the trial Court. Here the case is different. Against one case, appeal is pending and the other case is still in the trial Court. Therefore, the interest of justice and fair play demand that the Criminal Appeal should not be disposed of till C.C.No.171 of 2011 has been adjudicated by the trial Court.

In view of the above, all further proceedings in Criminal Appeal No.442 of 2013 on the file of the II-Additional Metropolitan Sessions

Judge, Hyderabad, shall be stayed till C.C.No.171 of 2011 is disposed of by the Special Magistrate-V, Hyderabad, and thereafter in the event of there being any appeal, both the appeals should be heard and disposed of simultaneously.

The Criminal Petition is allowed accordingly. Miscellaneous petitions, if any, shall stand closed.

M.S.K.Jaiswal, J

June, 2016

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