

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

THURSDAY THE FOURTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND SEVENTEEN

P R E S E N T
HONOURABLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL REVISION CASE PETITION NO. 217 OF 2005

Between:

Raghunadh Cotton & Oil Products Ltd.
Rep. by its Managing Director,
Gummadi Venkateswarlu,
R/o.Ongole, Prakasam district. ... Petitioner/Accused

V/s.

Sri Srinivasa Cotton Corporation,
Rep. by its Partner, K. Ganga Rao ... Respondent

Counsel for the Petitioner : Sri Raja Reddy Koneti

Counsel for the Respondent : Public Prosecutor [AP]

The court made the following: [order follows]

HONOURABLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL REVISION CASE NO. 217 OF 2005

ORDER :

This Criminal Revision Case is filed questioning the propriety and legality of the judgment dated 31/12/2004 in Criminal Appeal No. 509 of 2000 on the file of the Court of VI-Additional Sessions Judge, Guntur, confirming the conviction and sentence passed by the Special Mobile Magistrate, Guntur, in CC.No. 119 of 1998 finding the petitioner guilty for the offence punishable under section 138 of Negotiable Instruments Act, sentencing him to undergo simple imprisonment for six months and with default sentence.

2. The only question raised before this Court is that the petitioner is a company under the name and style of Raghunath Cotton and Oil Products, represented by its Managing Director, Gummadi Venkateswarlu. The trial Court and appellate court found the Company guilty under section 138 of the Negotiable Instruments Act but imposed imprisonment against the company when the Managing Director was not impleaded as an accused in his individual capacity. But the trial court and appellate court found the Managing Director representing the Company is liable to undergo imprisonment but imposition of sentence of six months against juristic person is illegal and at best fine can be imposed against such juristic person i.e., the Company. If the Managing Director is impleaded in the individual capacity, the Managing Director is liable subject to

satisfy the requirement under section 142 of Negotiable Instruments Act. Therefore, the sentence of imprisonment imposed by the court below, which was confirmed by the appellate Court is illegal and therefore, sentence of simple imprisonment for six months is hereby set aside while upholding the fine.

3. In the result, the Criminal Revision is allowed in part, setting aside the simple imprisonment for six months against the petitioner-company while confirming the fine imposed by the trial court and confirmed by the appellate court.



JUSTICE M. SATYANARAYANA MURTHY.

HONOURABLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL REVISION CASE NO. 217 OF 2005
(PARTLY ALLOWED)



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