

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Criminal Revision Case No.1249 of 2017

ORDER:

This Criminal Revision Case, under Sections 397 and 401 of the Code of Criminal Procedure, 1973, ('the Code', for brevity) is filed by the petitioner/ appellant/ complainant (hereinafter referred to as 'the complainant') requesting to extend the time for compliance of the condition imposed in the orders, dated 07.02.2017, of the learned II Additional Metropolitan Sessions Judge, Hyderabad, passed in Criminal Appeal No.814 of 2015.

2. I have heard the submissions of *Sri T.Bala Mohan Reddy*, learned counsel appearing for the complainant at the stage of admission. I have perused the material record. I have also heard the submissions of the learned Public Prosecutor appearing for the 1st respondent-State of Telangana. The 2nd respondent is stated to be the accused in the complaint case.

3. The facts of the case and the submissions of the learned counsel for the complainant, in brief, are as follows:

The complainant filed a case against the accused requesting to punish the accused for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881. The cheque amount was more than Rs.42 lakhs. The cheque was given towards an enforceable debt. The trial Court dismissed the case for default, under Section 256(1) of the Code, observing that the petitioner did not get ready in the matter inspite of granting several adjournments and that the case is identified for early disposal. Aggrieved of the said orders, the complainant filed the aforesaid appeal before the Court below. By the order impugned in this revision, the learned Additional Metropolitan Sessions Judge allowed the appeal and set aside the order, dated 07.09.2015, of the learned XI Special Magistrate, Hyderabad, whereby the complaint case was dismissed for default and directed restoration of the case on payment of costs of Rs.5,000/-, on or before 06.03.2017, to the Secretary,

Legal Services Authority, Nampally, Hyderabad. The petitioner could not pay the said costs within the aforementioned time fixed by the learned Additional Metropolitan Sessions Judge due to oversight and as the petitioner could not appear before the Court below on the date the said order was pronounced. Hence, the present revision case is filed. If the revision is not allowed and time is not extended for complying with the condition imposed by the Court below in the impugned orders, the petitioner/ complainant suffers serious and irreparable loss as the amount involved in the matter is more than forty two lakhs.

4. Having regard to the facts and circumstances stated by the petitioner, this Court is of the considered view that one more opportunity can be granted to the complainant by extending the time for compliance of the condition imposed in the impugned order passed by the learned Additional Metropolitan Sessions Judge, Hyderabad.

5. In the result, the Criminal Revision Case is allowed and time for payment of costs of Rs.5,000/- to the Secretary, Legal Services Authority, Nampally, Hyderabad, is extended by two weeks from the date of receipt of a copy of this order. On payment of costs within the extended time, the orders, dated 07.09.2015, passed by the XI Special Magistrate, Hyderabad, shall stand set aside and C.C.No.66 of 2015 shall stand restored to file of the said Court.

Pending miscellaneous petitions, if any, shall stand closed.

21st June, 2017
RAR

M. SEETHARAMA MURTI, J