

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Criminal Revision Case.No.626 of 2017

ORDER:

This Criminal Revision Case, under Sections 397 & 401 of the Code of Criminal Procedure, 1973, is filed by the petitioner-accused, having been aggrieved of the docket orders, dated 28.12.2016, passed by the learned Sessions Judge, Adilabad, in un-numbered CrI.MP of 2016 *vide* CFR.no.1437 of 2016 in CrI.A.No.81 of 2015.

I have heard the submissions of the learned counsel for the petitioner and the learned Public Prosecutor (TG). I have perused the material record.

The facts, which are necessary to be stated as a prelude to this order, in brief, are as follows:

The Calendar Case in CC.No.157 of 2015 on the file of the Court of the learned Principal Judicial Magistrate of First Class, Mancheri, ended in acquittal against the petitioner-accused. However, the appeal filed by the 2nd respondent herein was allowed and in the Criminal Appeal in CrI.A.No.81 of 2015, the petitioner-accused was sentenced to undergo simple imprisonment for a period of one year and also to pay fine of Rs.1,00,000/- coupled with in default sentence of imprisonment. According to the petitioner, he paid the fine amount in the Court below and also deposited the fine amount before the trial Court pursuant to the orders of this Court in CrI.A.No.1198 of 2016 and therefore, he filed the present un-numbered petition for return of the amount deposited before the appellate Court as the fine amount was deposited twice by oversight and mistake. That application was not registered by the Court below on the ground that Criminal Appeal before this Court is pending.

Learned counsel for the petitioner would submit that since payment of fine amount/ compensation amount one time is sufficient, the un-numbered petition is maintainable and the Court below was in error in not entertaining the application and in passing appropriate orders in the said application.

Having regard to the facts and submissions, this Court is satisfied that the revision can be disposed of by appropriate orders.

Accordingly, the Criminal Revision Case is allowed and the learned Sessions Judge, Adilabad, is directed to register the un-numbered petition vide CFR.no.1437 of 2016 and dispose of the same in strict accordance with the procedure established by law, as expeditiously as possible, however after giving an opportunity of hearing to the 2nd respondent herein.

Miscellaneous petition pending shall stand closed.

JUSTICE M. SEETHARAMA MURTI

07.03.2017
Vjl

