

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL REVISION CASE No.2633 of 2017

JUDGMENT:

This revision case is filed under Sections 397 and 401 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), challenging the return of petition filed under Section 389 of Cr.P.C., vide order dated 18.09.2017, by the District and Sessions Judge, Kurnool, in Crl.M.P.No. of 2017 in Criminal Appeal No.210 of 2017.

2. The petitioner herein filed criminal appeal aggrieved by the conviction and sentence imposed by the Judicial First Class Magistrate, Yemmiganur, in C.C.No.225 of 2015, whereby he was found guilty for the offence punishable under Sections 138 and 142 of the Negotiable Instruments Act, 1881, and sentenced him to undergo simple imprisonment for a period of one year and to pay a fine of Rs.25,10,000/- with default sentence and out of fine amount, Rs.25,00,000/- is ordered to be paid to PW.1 towards compensation under Section 357 Cr.P.C.

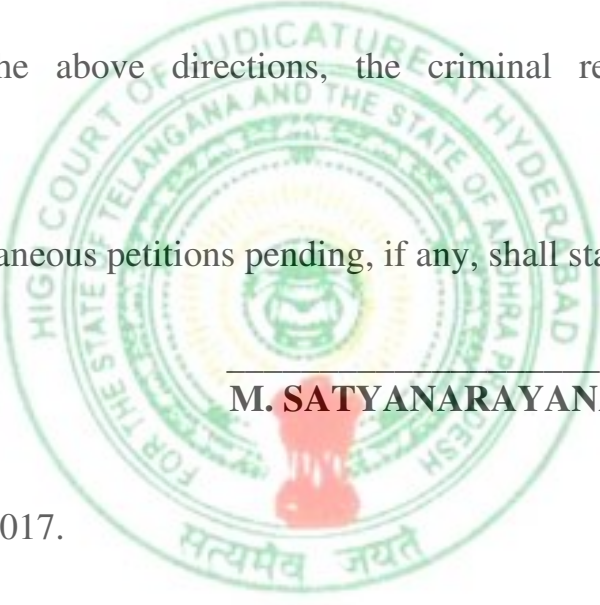
3. The objection raised by the office of District and Sessions Judge, Kurnool, is as to the maintainability of petition for suspension without payment of fine amount and returned the petition. Instead of representing the petition, inviting reasoned order from the Court. The petitioner adopted a different method by invoking jurisdiction under Sections 397 and 401 of Cr.P.C., therefore, the criminal revision case is liable to be dismissed. However, the petitioner is at liberty to

represent the petition i.e., CrI.M.P.No. of 2017 in Criminal Appeal No.210 of 2017 within one week from today and invite a reasoned order and if the petitioner is aggrieved, he is at liberty to approach this Court invoking jurisdiction under Sections 397 and 401 of Cr.P.C.

4. The Registry is directed to return CrI.M.P.No. of 2017 in Criminal Appeal No.210 of 2017 under proper acknowledgment to the counsel on record immediately, so as to enable the petitioner to represent the same within one week.

5. With the above directions, the criminal revision case is dismissed.

6. Miscellaneous petitions pending, if any, shall stand closed.



M. SATYANARAYANA MURTHY, J

20th October 2017.

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