

THE HON'BLE SRI JUSTICE P. KESHA RAO

CRIMINAL REVISION CASE NO.1424 OF 2017

ORDER:

Heard the learned counsel for the petitioner as well as the learned Public Prosecutor appearing for the 2nd respondent State.

2. Present Criminal Revision Case is filed questioning the orders dated 11.5.2017 in C.A.No.3253 of 2017 in C.C.No.235 of 2017 on the file of the Court of VIII Special Magistrate, Kukatpalli at Miyapur, Ranga Reddy district.

3. The facts of the case are that the petitioner herein has been convicted for the offence Under Section 138 of Negotiable Instruments Act. On the date of pronouncement of the judgment, the petitioner was absent and, therefore, the Court below proceeded with the matter and pronounced the judgment convicting the petitioner herein for an offence Under Section 138 of Negotiable Instruments Act and sentenced him to undergo simple imprisonment for a period of six months and directed him to pay a compensation of Rs.5,00,000/- to the complainant with simple interest at 9% p.a. from the date of the judgment till payment of the said amount and in default to suffer simple imprisonment for six months. Since the accused, i.e., the petitioner herein, was absent, NBW was issued against

him to serve the sentence of imprisonment imposed against him.

4. The petitioner appears to have filed an application seeking for a certified copy of the judgment in C.C.No.235 of 2017 dated 8.5.2017. However, the same was returned with an objection, "since the accused absconded at the judgment. Hence, CA returned" and "after appearance of the accused all copies of documents will be supplied." The said orders are passed on administrative side. Aggrieved by the said endorsement, the present Criminal Revision Case is filed.

5. Learned counsel for the petitioner would submit that the certified copy of the judgment in C.C.No.235 of 2017 may be supplied to the petitioner enabling him to file an appeal.

6. During the course of arguments, it is informed to the Court by the learned counsel for the petitioner that he does not want a free copy to be supplied to the accused but he requires only the certified copy of the judgment.

7. Per contra, learned Public Prosecutor appearing for the 2nd respondent State opposed the same.

8. From the material on record, it is revealed that the petitioner was convicted for an offence Under Section 138 of Negotiable Instruments Act and was sentenced to undergo simple imprisonment for six months and was directed to pay

Rs.5,00,000/- towards compensation to the complainant. The petitioner was absent on the date of judgment and without surrendering before the Court, he has filed an application seeking for a certified copy of the judgment. The Court below, on administrative side, returned the said CA with an endorsement that the petitioner herein was absent on the date of judgment and on appearance before the Court, free copies will be supplied to him.

9. In similar circumstances, this Court, in Criminal Revision Case No.1231 of 2015, dealt with the issue and observed as under:

“ The petitioner/accused was convicted for an offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo imprisonment for a period of one year and was directed to pay Rs.20 lakhs. The petitioner was absent on the date of judgment and without surrendering before the Court concerned, he has filed an application for certified copy of the judgment. The learned trial Judge rejected the copy application on the ground that the accused was absent on the date of pronouncement of Judgment and he is entitled for free copy of the Judgment whenever he appears before the Court concerned.”

10. On perusal of the order of the Court below and the above said order in similar circumstances, this Court is of the view that the order passed by the Court below is in accordance with law and needs no interference by this Court.

11. Having regard to the facts and circumstances, this Criminal Revision Case is liable to be dismissed and, is accordingly, dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

Date: 12.6.2018

KPM



P. KESHAVA RAO,J