

THE HON'BLE SRI JUSTICE P. KESHAVA RAO

CRIMINAL REVISION CASE No. 2290 of 2017

JUDGMENT:

Heard the learned counsel for the petitioner as well as the learned Public Prosecutor.

2. The present criminal revision case is filed questioning the docket order passed in CrI.A.No.963 of 2016, dated 23.6.2017 on the file of the XIII Additional District and Sessions Judge, Ranga Reddy District, at L.B.Nagar, dismissing the Criminal Appeal No.963 of 2016 for non deposit of the process.

3. The facts of the case, in brief, are that the petitioner herein is charged for the offence under Section 138 of Negotiable Instruments Act.

4. After trial, the learned VII Special Magistrate, Hasthinapuram, convicted the petitioner herein *vide* C.C.No. 2 of 2016, dated 31.10.2016 to undergo Rigorous Imprisonment for six months and to pay fine and compensation of Rs.2,60,000/-, in default, to suffer one month simple imprisonment. Aggrieved by the said Judgment, the petitioner filed an appeal *vide* Criminal Appeal

No.963 of 2016 before the XIII Additional District and Sessions Judge, Ranga Reddy, at L.B.Nagar. During the pendency of the said appeal, the matter was posted on 10.5.2017. During the call work, it appears that the matter was passed over for the purpose of payment of process. However, there is no representation till 4.15 p.m., and process was also not deposited. Therefore, finally, the matter was adjourned to 23.6.2017. On that day also, there was no representation and process was not deposited and therefore, the appeal was dismissed. Aggrieved by the same, the present criminal revision case is filed.

5. The learned counsel appearing for the petitioner would submit that the petitioner has already deposited the process *vide* Sr.No.442 of 2017, dated 5.6.2017. However due to inadvertence, the same could not be brought to the notice of the lower appellate Court and unfortunately on that day, the learned counsel could not appear to represent the matter. The said act of not representing the matter, before the Court, was not intentional.

6. Having regard to the facts and circumstances, since the petitioner has already deposited the process as stated above, the docket order dated 23.6.2017 in dismissing the appeal for non deposit of the process is set aside and accordingly, the criminal revision case is allowed. It is needless to observe that the lower appellate Court is directed to receive the said process

and proceed with the criminal appeal by issuing notice to the respondents therein, in accordance with law.

Miscellaneous petitions pending if any, shall stand closed. No order as to costs.

JUSTICE P. KESHA RAO

Date : 2/7/2018

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THE HON'BLE SRI JUSTICE P. KESHA RAO



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Date: 02.07.2018

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