

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION NO.2491 OF 2019

ORDER:

The petitioners-accused filed the present application under Section 482 of the Code of Criminal Procedure, seeking to grant permission to them to deposit 5% of fine amount imposed by the X Special Magistrate at Erramanzil, Hyderabad in C.C.No.353 of 2015 as per the directions of the II Additional Metropolitan Sessions Judge at Hyderabad in CrI.M.P.No.298 of 2019 in CrI.A.No.270 of 2019.

By order dated 08.03.2019 in CrI.M.P.No.298 of 2019, the II Additional Metropolitan Sessions Judge at Hyderabad suspended the operation of payment of the fine amount imposed by the X Special Magistrate, Hyderabad in C.C.No.353 of 2015 on 14.02.2019 on deposit of 5% of the fine amount imposed against the petitioner-accused on or before 18.03.2019 and to file receipt to that effect. Against the said order, the petitioners filed CrI.M.P.No.1727 of 2019 seeking permission to deposit 5% of the fine amount. By order dated 23.04.2019, the X Special Magistrate, Erramanzil, Hyderabad, dismissed CrI.M.P.No.1727 of 2019 as the date fixed by the appellate Court for deposit i.e. 18.03.2019 was expired long back. Aggrieved by the same, the present application is filed.

Learned counsel for the petitioners submitted that when they were ready to deposit 5% of fine amount on 11.03.2019, the Court below refused to receive the same as it did not receive the copy of the order from the appellate Court. On 02.04.2019, again

the Court below refused to receive the payment as the date fixed by the appellate Court i.e. 18.03.2019 was expired by then. Hence, it is prayed to grant permission to deposit 5% of fine amount before the Court below.

In view of the facts and circumstances of the case, the order dated 23.04.2019 in CrI.MP.No.1727 of 2019 is set aside and subject to the petitioners depositing 5% of the fine amount, the order dated 14.02.2019 passed in C.C.No.353 of 2015 by the X Special Magistrate, Hyderabad, is suspended.

Subject to the above, the Criminal Petition is disposed of. Miscellaneous applications, if any, pending shall stand closed.

(G. SRI DEVI, J)

15th July 2019

NOTE: Issue CC by tomorrow
B/O
RRB