

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL REVISION CASE No.290 of 2020

JUDGMENT:

This Criminal Revision Case is filed under Sections 397 and 401 of the Criminal Procedure Code seeking to set-aside the order, dated 03.01.2020 passed in CrI.A.No.1357 of 2017 on the file of the XV Additional District and Sessions Judge at Kukatpally, Ranga Reddy District and to restore CrI.A.No.1357 of 2017.

The facts in issue are as under:

The revision petitioner herein filed CrI.A.No.1357 of 2017 challenging the conviction and sentence imposed against him in C.C.No.104 of 2017 on the file of the V Special Magistrate, Kukatpally at Miyapur. On 03.01.2020 seeing the absence of the revision petitioner and as there was no representation on his behalf and as the directions issued earlier have not been complied with, the learned appellate Court dismissed the appeal.

Heard the learned counsel for the revision petitioner appellant, the learned Additional Public Prosecutor appearing for second respondent-State and perused the record.

A perusal of the material placed before the Court would indicate that the appeal is filed against the conviction and sentence imposed against the revision petitioner for the offence under Section 138 of the Negotiable Instruments Act, 1881. At the time when the matter is taken up for hearing, learned Counsel for

the revision petitioner would submit that he could not appear before the Court due to ill health. Since the appeal is filed against the conviction and sentence, the counsel for the revision petitioner submits that atleast an opportunity may be given to him by restoring the appeal on to its file.

It is true that there was no representation on behalf of the revision petitioner on 03.01.2020. As the appeal is filed against the conviction and sentence, it would be appropriate to give an opportunity to the revision petitioner. In view of the above, this Court is inclined to restore the appeal on to its file.

Accordingly, the Criminal Revision Case is disposed of by setting aside the order, dated 03.01.2020 passed in CrI.A.No.1357 of 2017 on the file of the XV Additional District and Sessions Judge, Kukatpally, Ranga Reddy District, and CrI.A.No.1357 of 2017 is restored to its file. The revision petitioner is directed to appear before the appellate Court on 19.03.2020 and to comply with the directions issued by the appellate Court.

As a sequel thereto, Miscellaneous Petitions, if any, pending shall stand closed.

JUSTICE G. SRI DEVI

11.03.2020
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