

THE HONOURABLE DR. JUSTICE D.NAGARJUN

CRIMINAL REVISION CASE No.803 of 2007

ORDER:

Originally, the petitioner has filed the complaint in C.C.No.612 of 2003 alleging that the respondent has committed offence under Section 138 of Negotiable Instrument Act.

02. After full fledged trial, the trial Court found the respondent/accused guilty of the offence under Section 138 of Negotiable Instrument Act and sentenced him to undergo imprisonment for a period of three (03) months and to pay an amount of Rs.5,000/- and in default to suffer Simple Imprisonment for a period of 15 days.

03. Aggrieved by the same, respondent/accused preferred Criminal Appeal No.292 of 2006 on the file of learned III Additional Metropolitan Sessions Judge, Hyderabad. The said Criminal Appeal, after full fledged enquiry and on hearing both the counsel was allowed on 06.02.2007 and the conviction and sentence imposed by the trial Court were set aside.

04. Aggrieved by the same, the petitioner/complainant has filed this revision before this Court.

05. It is to be noted that once the conviction recoded by the trial Court was set aside by the Appellate Court in Criminal appeal, the remedy available for the petitioner/complainant is not the revision but he is expected to file criminal appeal.

06. It is submitted by the learned counsel for the petitioner that he is not able to contact his counsel on account of paucity of time of this petition as it was filed in the year 2007.

07. Considering the circumstances, this revision case is disposed of giving liberty to the petitioner to prefer an appeal aggrieved by the judgment of the Appellate Court in Criminal Appeal No.292 of 2006 dated 06.02.2007.

08. With the above observations, this Criminal Revision Case is disposed of. There shall be no order to as costs.

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

DR. D.NAGARJUN, J

Date: 04-Nov-2022
TMK

