

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

TUESDAY, THE TENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE K. SURENDER

CRIMINAL PETITION NO: 272 OF 2023

Between:

1. M/s Samsa Rubber and Polymers Private Limited, Rep. by its M.D.Mr.Anil Kumar Singh, Office at Plot No. 36/C,Road No.9,Phase - I, Jeddimetla, Hyderabad-500055
2. Mr. Anil Kumar Singh, M.D of M/s Samsa Rubber and Polymers Private Limited, Rep.by its M.D.Mr.Anil Kumar Singh, Office at Plot No. 36/C, Road No.9,Phase - I, SV Cooperative Industrial Estate, IDA, Jeddimetla, Hyderabad -500055 Also at 41-143/4,Pipe Line Road, Jagadgiri Gutta, Hyderabad.

...PETITIONERS/ PETITIONERS/APPELLANTS 1 & 2

AND

1. The State of Telangana, rep. by the Public Prosecutor, High Court, Hyderabad
2. M/s Kunal Enterprises, A Regd. Partnership firm, Rep. By its Partner Mr.Sunil Kumar, Office at No. 5-3- 832, Ground Floor, Gosha Mahal, Hyderabad - 500012

...RESPONDENTS/ RESPONDENTS

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to modify the direction to pay the 20 percent of the cheque amount as interim compensation in the form of Fixed Deposit in the trial court by 11/01/2023 passed in CrI.M.P. No.546 of 2022 Dated - 13/12/2022 in criminal appeal No.320 of 2022 on the file of Addl. Metropolitan Sessions Judge for the Trial of Jubilee Hills Car Bomb Blast case cum Addl. Family Court cum XXIII Addl. Chief Judge cum IX Addl. Metropolitan Sessions Judge -Hyderabad.

I.A. NO: 1 OF 2023

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to stay the execution of the order passed in CrI.M.P. No.546 of 2022 Dated 13/12/2022 in criminal appeal No.320 of 2022 on the file of Addl. Metropolitan Sessions Judge for the Trial of Jubilee Hills Car Bomb Blast case cum Addl. Family Court cum XXIII Addl. Chief Judge cum IX Addl. Metropolitan Sessions Judge -Hyderabad till the disposal of this Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of M/S. V.R.MACHAVARAM, Advocate for the Petitioners and of the Additional Public Prosecutor (TG) on behalf of the Respondent No.1 and none appeared for the Respondent No. 2

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.272 OF 2023

ORDER:

The present Criminal Petition is filed under Section 482 of Code of Criminal Procedure(for short 'Cr.P.C.') aggrieved by the order, dated 13.12.2022 passed in Crl.M.P.No.546 of 2022 in Crl.A.No.320 of 2022 on the file of the learned Additional Metropolitan Sessions Judge for the trial of Jubilee Hills Car Bomb Blast Case-Cum-Additional Family Court-Cum-XXIII Additional Chief Judge-Cum-IX Additional Metropolitan Sessions Judge, Hyderabad.

2. Heard learned counsel for the petitioners-Appellant Nos.1,2 and learned Additional Public Prosecutor for the respondent No.1 – State. Perused the material on record.

3. The learned Sessions Judge vide order dated 13.12.2022 in Crl.M.P.No.546 of 2022 in Crl.A.No.320 of 2022 ordered that the substantive sentence is only suspended subject to the petitioners-Appellant Nos.1 and 2 depositing 20% of the cheque amount by way of FDR, before the trial Court by 11.01.2023. Firstly, the time granted by the learned Sessions Judge is incorrect, for the reason of the provision under Section 143(A) of N.I.Act., directs payment

of interim compensation within a period of sixty (60) days. Further, the time can be extended by another thirty (30) days.

4. Since the time given for depositing the cheque amount is not in accordance with the provision under Section 143(A) N.I.Act., the order dated 13.12.2022 is liable to be set aside to the extent of time. However, the order shall operate in accordance with the time prescribed under Section 143(A) of N.I.Act. Needless to say, in the event of petitioner undertakes to argue the appeal, the concerned Court is directed to dispose it off on merits.

5. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications pending, if any, shall stand closed.

//TRUE COPY//

Sd/- V. KAVITHA
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Addl. Metropolitan Sessions Judge for the Trial of Jubilee Hills Car Bomb Blast case cum Addl. Family Court cum XXIII Addl. Chief Judge cum IX Addl. Metropolitan Sessions Judge -Hyderabad.
2. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. (OUT)
3. One CC to Sri V.R. MACHAVARAM, Advocate [OPUC]
4. Two CD Copies.

Njb

7/1/23

HIGH COURT

KS,J

DATED:10/01/2023



ORDER

CRLP.No.272 of 2023

DISPOSING OFF THE CRIMINAL PETITION.

7
11/1/23
Hv