

Bail Slip: Petitioner/ Accused was on bail by the order of the High Court dated 13/02/2020 in IA No.3 of 2020 in CrI.R.C.No.184 of 2020.

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

WEDNESDAY, THE NINETEENTH DAY OF APRIL
TWO THOUSAND AND TWENTY THREE

**PRESENT
THE HONOURABLE SRI JUSTICE K.SURENDER**

CRIMINAL REVISION CASE NO: 184 OF 2020

Criminal Revision Case under Section 397 R/w. 401 of Cr.P.C against the Judgment dated 10/04/19 made in CrI.A.No.128 of 2017 on the file of the Court of the XIV Additional District and Sessions Judge –cum- XIV Additional Metropolitan Sessions Judge, Ranga Reddy District, L.B.Nagar preferred against the Order passed in CC No.253/15 dated 10/01/2017, on the file of the Court of the Special Metropolitan Magistrate, Cyberabad, at Hayathnagar.

Between:

R.Shiva, S/o R.Rama Murthy, Aged about 36 years, Occ. Business, R/o Plot No. 1A/6, Vijayapuri Colony, Phase-II, Vanasthalipuram, Ranga Reddy District.

...PETITIONER/ ACCUSED

AND

1. The State of Telangana, Rep by its Public Prosecutor, High Court at Hyderabad.
2. Smt T.Swarajya Lakshmi, W/o T.Balaji Naidu, Aged about 35 years, Occ. Pvt Service, R/o H.No S1-B-211, Sachialayanagar, Vanasthalipuram, R.R.District.

...RESPONDENTS

IA NO: 3 OF 2020

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of grounds of Criminal Revision Case, the High Court may be pleased to grant interim suspension of the Judgment in C.C No. 253/2015 on the file of Special Metropolitan Magistrate, Cyberabad as confirm by in CrI.A.No 128 of 2017 Hounourable XIV Additional District and Sessions Judge-cum-XIV Additional Metropolitan Sessions Judge, Ranga Reddy District at L.B.Nagar, pending disposal of the above CRL RC and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

For the Petitioner : SRI PARSA ANANTH NAGESWAR RAO, Advocate

For the Respondent No.1 : PUBLIC PROSECUTOR

For the Respondent No.2 : SRI R.VENKAT REDDY, Advocate

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL REVISION CASE No.184 OF 2020

JUDGMENT:

The present Criminal Revision Case is filed under Sections 397 read with 401 of Code of Criminal Procedure (for short 'Cr.P.C.'), to set aside the order dated 10.04.2019 passed in Criminal Appeal No. 128 of 2017 on the file of learned XIV Additional District and Sessions Judge-cum-XIV Additional Metropolitan Sessions Judge, Ranga Reddy District at L.B. Nagar, by confirming the judgment in C.C.No.253 of 2015, dt.10.01.2017 passed by the learned Special Metropolitan Magistrate Court, Cyberabad at Hayathnagar.

2. None appears for the contesting parties.
3. Though the case was listed on 20.11.2020, 18.01.2023 and 15.03.2023, there was no appearance on behalf of the petitioner. Even though the matter is listed under the caption 'for dismissal' and the cases are specially listed for the benefit of Advocates and the Advocates have been intimated by this Court by an advance list, there is no appearance on behalf of the petitioner today also.

4. The petitioner is prosecuted for the offence punishable under Section 138 of the Negotiable Instruments Act. It is the case of the respondent no.2 - complainant that an amount of Rs.2,05,000/- was taken by this petitioner to meet his financial necessities and the said amount was given to the petitioner by depositing her gold ornaments with Citizen Co-operative Society Limited, NGO's colony, Vanasthalipuram. On repeated requests, the petitioner issued a cheque bearing No.955924 dated 08.01.2014 of Rs. 2,05,000/- to the 2nd respondent. However, when the said cheque was presented for clearance by the 2nd respondent, the same was returned 'unpaid' for the reason of "in-sufficient funds". The 2nd respondent issued legal notice - Ex.P4 to the petitioner. Having received the notice, the petitioner failed to repay the said amount, for which reason, a complaint was filed before the learned Special Metropolitan Magistrate, Cyberabad at Hayathnagar vide C.C.No.253 of 2015. The learned Magistrate found that nothing was elicited in the cross examination of PW1 to discredit the evidence of 2nd respondent and since all the ingredients of Section 138 of N.I. Act were fulfilled, the petitioner was sentenced to undergo imprisonment for three months and to pay a compensation of Rs.2,05,000/- to the complainant/PW1.



5. Aggrieved by the same, the petitioner filed Criminal Appeal No.128 of 2017 before the learned XIV Additional District and Session Judge, Ranga Reddy District and the learned Sessions Judge concurred with the findings of the learned Magistrate and confirmed the conviction.

6. The grounds raised by the petitioner is that part payment was made by him to 2nd respondent and in view of the said payments made, the 2nd respondent has agreed to withdraw the case and she had no objection for compounding the case.

7. Though, it was represented before this court on 08.09.2020 that the parties are willing to compromise the matter and sought four (04) weeks time, even after the lapse of nearly 2½ years, no such applications are filed or any proof is filed that payments were made by the petitioner to the 2nd respondent.

8. In the said circumstances, I do not find any grounds to interfere with the concurrent findings of the Courts below and the present Criminal Revision Case is liable to be dismissed.

9. Accordingly, the Criminal Revision Case is dismissed. However, the parties are at liberty to approach this Court in the

event of any compromise being entered into. The Trial Court shall ensure the appearance of the petitioner to serve the sentence imposed on him.

Miscellaneous Petitions, if any, pending, shall also stand closed.

Sd/-T.SRINIVAS
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

- To
1. The XIV Additional District and Sessions Judge-cum-XIV Additional Metropolitan Sessions Judge, Ranga Reddy District at L.B.Nagar.
 2. The Special Metropolitan Magistrate, Cyberabad, at Himayathnagar.
 3. One CC to Sri P.Ananth Nageswar Rao, Advocate [OPUC]
 4. One CC to Sri R.Venkat Reddy, Advocate [OPUC]
 5. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad (OUT)
 6. Two CD Copies
- Kj.

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HIGH COURT

DATED:19/04/2023

JUDGMENT

CRLRC.No.184 of 2020



THE CRL.R.C. IS DISMISSED.

(9) Copies
Sm
29/5/23