

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

**MONDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

CRIMINAL REVISION CASE NO: 475 OF 2024

Criminal Revision Case filed under Section 397 & 401 of CrPC against the dated 28.12.2023 in Cri. MP. No. 1330 of 2023 in CC. NI. No. 17723 of 2022 on the file of the Court of the X Metropolitan Magistrate-cum-Judicial I Class Magistrate, Manoranjan Complex, Hyderabad.

Between:

Mrs. Yelamanchili Hima Bindu, D/o. Y. Sessa Rao, Aged 46 years, Occ. Housewife, R/o. Flat No. 301, H.No. 11-13-1364, Road no. 3 Vijay Laxmi Annexe, Saroornagar, K.V. Ranga Reddy, Telangana - 500035,

...PETITIONER/ACCUSED

AND

1. The State of Telangana, Through its Public Prosecutor, High Court of Telangana
2. Mrs. Kundam Jewellers and Exporters, Rep. by its Manager, Mr. Biradar Ram Rao, S/o. Mr. Keshav Rao, Aged 52 years, Occ. Manager, Shop No. 47, 48, 49, Babukhan Estate, Basheerbagh, Hyderabad - 500001.

...RESPONDENT/DEFACTO COMPLAINANT

IA NO: 1 OF 2024

Petition under Section 482 CrPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to Stay all further proceedings in CC NI No. 17723 of 2022 On the file of X Metropolitan Magistrate cum Judicial I Class Magistrate, Manoranjan Complex, Hyderabad, pending disposal of the Cri P.,

**Counsel for the Petitioner: Sri B.B.S.S.B.K. Ranjit representing
Sri K. V. V. Ramana Rao**

Counsel for the Respondent No. 1: Sri E. Ganesh, Assistant Public Prosecutor

Counsel for the Respondent No. 2: Sri Vishakha Sharma

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE E.V.VENUGOPAL**CRIMINAL REVISION CASE No.475 OF 2024****ORDER:**

This Criminal Revision Case is filed by the petitioner/accused seeking to set aside the order dated 28.12.2023 in CrI.M.P.No.1330 of 2023 in C.C.N.I.No.17723 of 2022 on the file of the learned X Metropolitan Magistrate cum-Judicial I Class Magistrate, Manoranjan Complex, Hyderabad (for short, "the trial Court").

2. Heard Mr. B.V.S.S.B.K.Ranjit, learned counsel representing Mr.K.V.V.Ramana Rao, learned counsel for the petitioner appearing on-line, Mr.E.Ganesh, learned Assistant Public Prosecutor appearing for respondent No.1-State and Mr.Abhijay Jhavar, learned counsel representing Mr.Vishakha Sharma, learned counsel for respondent No.2.

3. The brief facts of the case are that respondent No.2/complainant is doing business in Gold & Jewellery under the name and style of "Kundan Jewellers & Exports" situated at Babu Khan Estate, Basheerbagh, Hyderabad. The present complaint is filed through its Manager who is empowered to file the present complaint as per the authorization letter dated

10.03.2022. It is stated that the petitioner/accused approached the complainant and purchased gold ornaments worth Rs.6,98,876/- under invoice reference bearing No.KJE/Ref/20-21/0003, dated 01.04.2021. It is stated that upon purchase, the accused promised the complainant that she shall repay the money within a short period. But the accused avoided to pay the money. On persistent demands made by the complainant, the accused had issued cheque bearing No.097397 dated 29.01.2022 for Rs.6,98,876/- drawn on State Bank of India, Dilsukhnagar Branch, Hyderabad. On presentation the said cheque was returned dishonoured with an endorsement "funds insufficient". Therefore, the complainant filed the present complaint against the accused for the offence punishable under Section 138 of the Negotiable Instruments Act. Whiles, the petitioner submitted an application vide CrI.M.P.No.1330 of 2023 in C.C.N.I.No.17723 of 2022 before the trial Court, under Section 45 of Indian Evidence Act, praying to send the alleged Tax Invoice and cheque with that of admitted signatures to Telangana Forensic Science Laboratory, Hyderabad for the purpose of comparison and analysis. The trial Court, vide impugned order, dismissed the said application. Aggrieved by the same, the petitioner preferred the present Revision.

4. Learned counsel for the petitioner would submit that the trial Court, vide impugned order, erroneously dismissed the application filed by her under Section 45 of the Indian Evidence Act by stating that the petitioner had not stated that the complainant had forged her signatures, in collusion with others at the time of Section 251 of Cr.P.C. examination. Therefore, she seeks to allow this Revision.

5. Learned counsel for unofficial respondent No.2 would submit that the trial Court, upon careful scrutiny of the material available on record, rightly passed the impugned order and interference of this Court, at this stage, is not warranted. Relying upon the decisions passed by the Hon'ble Supreme Court in **M.Abbas Haji Vs. T.N.Channakeshava**¹, the decision passed by the High Court of Allahabad in **Ranjit Vs. State of U.P. and another**² and the decision passed by the High Court of Andhra Pradesh, at Amaravathi in **Lakkapamula Rani Vs. Manda Batasari**³, he seeks to dismiss this Revision.

6. The trial Court, vide impugned order, observed that the cheque was returned by the Bank unpaid with an endorsement "funds insufficient" and not "difference of signature on cheque".

¹ [2019] 9 Supreme Court Cases 606

² ILR (2020) 3-5 All 1752

³ AIR 2022 AP 83

The trial Court further observed that the accused, at the time of her Section 251 of Cr.P.C. examination, did not state that the complainant, in collusion with others, had forged her signatures on the alleged Tax Invoice and the cheque. Even upon service of summons she failed to give the said reply. Therefore, the trial Court opined that no purpose would be served in sending the said documents to Forensic Laboratory for Expert Opinion and that the present application is filed by the petitioner to drag on the proceedings. Therefore, the learned Judge, trial Court, rightly and appropriately dismissed the said application. So, I find no reason to interfere with the impugned order and the Revision is liable to be dismissed.

7. Accordingly, the Criminal Revision Case is dismissed.

Miscellaneous Petitions, pending if any, shall stand closed.

Sd/- N. CHANDRA SEKHAR RAO
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The X Metropolitan Magistrate-cum-Judicial I Class Magistrate, Manoranjan Complex, Hyderabad.
2. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
3. One CC to Sri K. V. V. Ramana Rao, Advocate [OPUC]
4. One CC to Sri Vishakha Sharma, Advocate [OPUC]
5. Two CD Copies

VII/PR



HIGH COURT
DATED: 28/10/2024

ORDER
CRLRC.No.475 of 2024



DISMISSING THE CrI.RC

⑧
28/10/24
[Signature]