

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

**MONDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL REVISION CASE NO: 1128 OF 2009

Criminal Revision case filed under Sections 397 & 401 of CrPC against the Judgment dated 13-04-2009 made in CrI.A.No.162 of 2007 in C.C.No.33 of 2005 on the file of the court of the Special Sessions Judge for Trial of cases under SCs and STs (P.O.A) Act - cum - VII Additional District and Sessions Judge, Mahboobnagar.

Between:

Sri Gonuru Ravindar, S/o.late Gonuru Chandraiah, Occ: Business R/o. Madanapuram in Kotha Kota Revenue Mandal, Mahabubnagar District.

...PETITIONER/RESPONDENT/COMPLAINANT

AND

1. Sri P. Narasimha Reddy, S/o.P.Narayan Reddy, Occ: Business R/o.H.No.1-152/B, Newgunj, Mahboobnagar Town, Mahaboobnagar.

...RESPONDENT/APPELLANT/ACCUSED

2. State of A.P.,, Rep.by Public Prosecutor High Court of A.P., Hyderabad.

...RESPONDENT/RESPONDENT

Counsel for the Petitioner: SRI K. ANOOP KUMAR

Counsel for the Respondent No.1: SRI L. HARISH

Counsel for the Respondent No.2: PUBLIC PROSECUTOR

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL REVISION CASE No.1128 OF 2009

ORDER:

This Criminal Revision Case is filed by the complainant questioning the order of the acquittal by the learned Special Sessions Judge for Trial of cases under SC.s and ST.s (P.O.A.) Act-cum-VII Additional District and Sessions Judge, Mahabubnagar (for short 'the Appellate Court'), by reversing the judgment of conviction of the learned Judicial Magistrate of First Class, Wanaparthi (for short 'the trial Court'), under Section 138 of the Negotiable Instruments Act, 1881 (for short 'the Act, 1881').

2. The cheque in question was issued by respondent No.1/accused on behalf of the Company. The Company was not made as party accused before the trial Court. The trial Court found that the accused was found guilty and accordingly, convicted him.

3. In appeal, the appellate Court found that any person who issued cheque on behalf of the Company would be made vicariously liable along with the Company. In the absence of

prosecuting the Company, the question of convicting respondent No.1/accused in his private capacity does not arise.

4. Under Section 141 of the Act, 1881, the persons responsible in a Company have to be made vicariously liable on behalf of the Company and if the Company itself is not an accused, the question of making the persons responsible on behalf of the Company as accused does not arise.

5. Accordingly, the revision fails and dismissed.

Miscellaneous applications pending, if any, shall stand closed. No costs.

//TRUE COPY//

SD/-K.SAILESHI
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The Special Sessions Judge for Trial of Cases under SCs & STs (POA) Act cum VII Additional District and Sessions Judge, Mahabubnagar.
2. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad[OUT]
3. One CC to Sri K. Anup Kumar, Advocate [OPUC]
4. One CC to Sri L. Harish, Advocate [OPUC]
5. Two CD Copies

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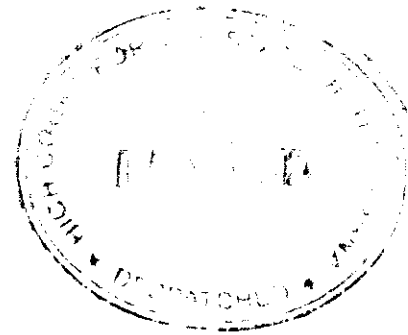


HIGH COURT

DATED:24/06/2024

ORDER

CRLRC.No.1128 of 2009



DISMISSING THE CRL.R.C.

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