

BAIL SLIP : The Petitioner/ Accused was directed to be released on bail by the order of the High Court dated.02-02-2010 in CrI.R.C.M.P.No.201 of 2010 in CrI.R.C. No.137 of 2010.

[3251]

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

**MONDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL REVISION CASE NO: 137 OF 2010

Criminal Revision Case filed under Section 397 R/w 401 of CrI.PC against the Judgment dated 09-09-2009 made in CrI.A.No.122 of 2007 on the file of the Court of the I Additional Sessions Judge at Khammam District preferred against the Order dated 23-08-2007 made in C.C.No.1088 of 2006 on the file of the Court of the I Additional Judicial First Class Magistrate at Khammam.

Between:

Jella Rama Murthy, S/o Ramalah, Occ: Business, R/o H.No.111-7-77/6, NST Road, Opposite Kavitha College Road, Khammam.

...Accused/Appellant/Petitioner

AND

1. Vipparla Venkateswarlu, S/o Venkata Ramaiah, Occ: Business, R/o H.No.CRG Towers, Nehrunagar, Khammam District.

...Complainant/Respondent /Respondent No.1

2. The State of Andhra Pradesh, rep. by its Public Prosecutor, High Court of A.P., at Hyderabad.

...Respondent No.2

Counsel for the Petitioner : Sri Kiran Reddy Mallarapu

Counsel for the Respondent No.1 : Sri Venkateswarlu Posani

Counsel for the Respondent No.2 : Public Prosecutor

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL REVISION CASE No.137 OF 2010

ORDER:

1. The revision petitioner was convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo Simple Imprisonment for one year and also to pay an amount of Rs.5 lakhs to the complainant by way of compensation.
2. Briefly, the case of the complainant is that the accused borrowed an amount of Rs.4 lakhs on 07.06.2005 to meet his family necessities. Towards repayment of the said amount, the cheque in question was issued. The said cheque when presented for clearance, returned unpaid for the reason of 'account closed'. Having issued notice, since the money covered by the cheque was not paid by the petitioner, complaint was filed.
3. Learned Trial Judge examined the complainant as PW1 and marked Exs.P1 to P7. On behalf of accused, DW1 was examined.
4. The defence taken by the revision petitioner is that there was no outstanding and further the address to which the notice was sent was not addressed to the accused.

5. Both the issues have been dealt with by the Courts below giving adequate reasons. The address which was mentioned by the accused and the notice was sent to the very same address. Further, mere assertion that there was no outstanding, cannot form basis to accept that there is no outstanding, unless supporting evidence is produced by the complainant.

6. There are no grounds to interfere with the findings of the Court below. However, the sentence of imprisonment of one year is set aside. In the event of the accused failing to deposit the compensation amount of Rs.5 lakhs as directed by the Courts below, within six weeks from the date of receipt of a copy of this order, the revision petitioner shall undergo default sentence of imprisonment of six months.

7. Accordingly, Criminal Revision Case is partly allowed.

As a sequel, miscellaneous applications, if any, pending shall stand closed.

SD/- B SATYAVATHI,
DEPUTY REGISTRAR.

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SECTION OFFICER

To,

1. The I Additional Sessions Judge at Khammam District
2. The I Additional Judicial First Class Magistrate at Khammam
3. The Superintendent, Sub-Jail, Khammam
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
5. One CC to Sri Kiran Reddy Mallarapu, Advocate [OPUC]
6. One CC to Sri Venkateswarlu Posani, Advocate [OPUC]
7. Two CD Copies

ADK

HIGH COURT

DATED:22/07/2024

ORDER

CRLRC.No.137 of 2010



PARTLY ALLOWING THE CRLRC

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