APHC010546632009

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3560]**
(Special Original Jurisdiction)

TUESDAY, THE 6th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

CRIMINAL REVISION CASE NO: 1319/2009

Between:

1. TRIPLICANE BALAJI RAO PREMCHAND, S/O. BALAJI LAL SCHOOL TEACHER R/O. D.NO. 22-9-91, PEDAPULI SANDU STREET, LALAPET, GUNTUR.

...PETITIONER

AND

1. THE STATE OF A P ANOTHER, HIGH COURT OF A.P., HYDERABAD.
2. SHAIK KHAJA BI, W/O. MD. KHASIM HOUSEWIFE R/O. D.NO. 9-5-20, OPP. LINE TO SARASWATHI THEATRE, 4TH LINE, RAILPET, GUNTUR.

...RESPONDENT(S):

Revision filed under Section 397/401 of CrPC praying that in the circumstances stated in the affidavit filed in support of the CriminalRevisionCase, the High Court may be pleased toto set aside the Judgment passed in C.A.No.262 of 2008 dated 30.07.2009, on the file of the IX Addl. Sessions Judge (FTC) Guntur, confirming the conviction in CCNo.367 of 2005, dated 6.8.2008, on the file of the IV Addl. Junior Civil Judge, (on the file of the IV Addl. Judicial Magistrate of I Class) Guntur, convicting and sentencing the petitioner to under S.I. for six months and to pay fine of Rs.10,000/- (Rupees Ten Thousand Only) in default S.I. for a period of two months and to acquit the petitioner / accused

IA NO: 1 OF 2009(CRLRCMP 1800 OF 2009

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to enlarge the petitioner on baily by suspending the sentence made in CCNo.367 of 2005, dated 6.8.2008, on the file of the IV Addl. Junior Civil Judge, (on the file of the IV Addl. Judicial Magistrate of I Class) Guntur as confirmed by the appellate court in C.A.No.262 of 2008 dated 30.07.2009, on the file of the IX

Addl. Sessions Judge (FTC) Guntur, pending disposal of the above criminal revision case

IA NO: 2 OF 2009(CRLRCMP 1905 OF 2009

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased

Counsel for the Petitioner:

1. V V N NARASIMHAM

Counsel for the Respondent(S):

1. M S TIRUMALA RANI
2. PUBLIC PROSECUTOR

The Court made the following order:

1. Status report of 2nd respondent through the Station House Officer concerned is placed by learned Assistant Public Prosecutor. It appears from the status report that whereabouts of 2nd respondent are not known.
2. Learned counsel for the petitioner frankly submits that the petitioner is aged more than 60 years and he is an old aged person. He is always ready to compromise the matter by paying the entire cheque amount.
3. Since complainant is not present before this Court and could not be found through a thorough search, this Court thinks it necessary to dispose of instant criminal revision case.
4. Instant criminal revision case has been preferred against judgment, dated 30.07.2009 in C.A. No.262 of 2008 on the file of IX Additional Sessions Judge (FTC), Guntur, confirming the conviction of petitioner under

Section 138 of Negotiable Instruments Act[1] in C.C. No.367 of 2005, dated 06.08.2008, on the file of IV Additional Junior Civil Judge, Guntur.

5. Brief facts of complainant's case are that, the accused approached the complainant to borrow a sum of Rs.1,00,000/- to meet his business purpose and executed a promissory note in favour of complainant, agreeing to repay the same with interest @ 24% P.A. In spite of repeated demands, accused could not pay the amount, but issued a cheque dated 23.09.2004. Complainant presented the cheque for collection to his banker, but it was dishonoured due to the reason of 'insufficient funds'. A legal notice was issued to the accused, but he intentionally avoided receiving the legal notice and it got returned. For the said reasons, complainant lodged a private complaint before learned Magistrate. After hearing the parties and after receiving the evidence, learned trial court found the petitioner guilty of an offence under Section 138 of N.I. Act, sentencing him to undergo simple imprisonment for a period of six months and to pay a fine of Rs.10,000/-.
6. Such order of conviction and sentence was under challenge before learned appellate Court, but the appeal was dismissed, confirming the order of conviction. Hence, this criminal revision case. There is a concurrent finding from both the Courts below.
7. Learned counsel for the petitioner has not argued on merits before this Court. However, as this revision is pending since 2009, vis-à-vis the

[1] For short, N.I.Act

petitioner, being the accused, has been dealing with the criminal litigation since 2005 and he is aged more than 66 years.

8. Considering the situation, the order of conviction recorded by learned trial court and confirmed by learned appellate court is hereby confirmed, but for the attending facts and circumstances, order of sentence of imprisonment is converted to fine, which would be equal to the cheque amount together with 25%, totalling Rs.1,25,000/-, over and above the fine already passed by learned trial court. The amount of fine of Rs.1,25,000/- should be treated as compensation to victim/complainant of this case.
9. Petitioner is directed to deposit the said fine amount before learned trial court within six weeks from the date of passing of this order, failing which the order of sentence passed by learned trial court would be sustained.
10. Since complainant is not present before this Court, the State is directed to intimate the order to the complainant.
11. Accordingly, criminal revision case is disposed of.
12. Miscellaneous petitions, if any, pending in this criminal revision case shall stand closed.

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JUSTICE SUBHENDU SAMANTA

Dt.06.10.2026
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