

IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL REVISION CASE No.546 OF 2026

DATE : 19.06.2026

Between :

Aziz Ahmed S/o Abdul Razak.

...Petitioner/
Accused

And

Syed Gulam Siddiq
S/o Syed Qasim Ali and
another.

... Respondent
Complainant

O R D E R

This Criminal Revision Case is filed by the petitioner-accused aggrieved by the order, dated 13.09.2023, in CrI.M.P.No.214 of 2022 in CrI.A.S.R.No.8062 of 2022 passed by the learned Metropolitan Sessions Judge, Hyderabad, whereby the petition filed to condone the delay of 11 days in filing the appeal against the judgment, dated 08.07.2022 in C.C.No.363 of 2022 passed by the learned IX Metropolitan Magistrate, Hyderabad, was dismissed for default for want of process.

2. Heard Sri V.Vijay Shankar, learned counsel for the petitioner and Sri Mohd Omerullah Shareef, learned counsel for respondent No.1.

3. Learned counsel for the petitioner would submit that the erroneously, learned X Metropolitan Magistrate vide Judgment, dated 16.07.2022 in C.C.NI No.363 of 2022 convicted the petitioner for the offence under Section 138 of the NI Act and he was sentenced to undergo simple imprisonment for a period of six (6) months and also to pay a sum of Rs.2,20,000/- as compensation to the complainant within two month, failing which he shall undergo simple imprisonment for a further period of two months. Aggrieved by the said judgment, the petitioner preferred an appeal with delay; that due to inadvertence, the petitioner was not paid process and he was not present before the learned first appellate Court. Hence, the petition was dismissed for default for want of process; that the petitioner was arrested and remanded to judicial custody and from the last 38 days the petitioner has been in judicial custody; that the petitioner has good grounds to adjudicate appeal and that the appeal is not

yet numbered and hence, he prays this Court to set aside the impugned order.

4. On the other hand, learned counsel for respondent No.1 would submit that the Miscellaneous Petition was dismissed in the year 2023 and till date, the petitioner was not paid any amount and not adjudicated the matter and therefore, there are no merits in the petition and hence, he prays to dismiss the revision case.

5. Considering the submissions made by learned counsel for the petitioner as well as learned counsel for respondent No.1 and also the material on record, the appeal was not numbered yet as the petitioner was not paid process in the appeal. The petitioner has been in judicial custody for the last 38 days. Mere delay in filing process is not a ground to restrict the petitioner to prefer statutory appeal.

6. Accordingly, the Criminal Revision Case is allowed setting aside the order, dated 13.09.2023, in CrI.M.P.No.214 of 2022 in CrI.A.S.R.No.8062 of 2022 passed by the learned Metropolitan Sessions Judge, Hyderabad and the learned Sessions Judge is directed to number the appeal. Further, on condition of petitioner depositing 30% of the compensation

amount within a period of one month from the date of receipt of a copy of this order, the petitioner shall be released on bail on executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum each to the satisfaction of learned IX Metropolitan Magistrate, Hyderabad.

Miscellaneous petitions, if any, pending shall stand closed.

K. SUJANA, J

Date: 19.06.2026

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