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SLP(Crl.)No. 1057 OF 2000
ITEM No.201

Court No.10

SECTION II
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No. 1057/2000

(From the judgement and order dated 18/11/1999 in CRLRC 685/98 in
CRLRP 683/98 of The HIGH COURT OF A.P AT HYDERABAD)

J.L. PRASAD

Petitioner (s)

VERSUS

M/S. SRI RAMA KRISHNA CONSTRUCTIONS &ANR
(With Appln(s). for stay)
(For Final Disposal)

Respondent (s)

With SLP(Crl.)No.1217/2001-(With appln.(s) for exemption from filing
c/c of the impugned judgment and stay)(For final disposal)

Date : 01/02/2002 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.C. LAHOTI
HON'BLE MR. JUSTICE BRIJESH KUMAR

For Petitioner (s) Mr. K.C. Sudarshan, Adv.
for Mr. D. Mahesh Babu,Adv.

For Respondent (s)
No.1 Mr. Y. Raja Gopala Rao.,Adv.

No.2 Ms. T. Anamika, Adv.
for Mr. Guntur Prabhakar,Adv.

UPON hearing counsel the Court made the following
O R D E R

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Learned counsel for the parties made their
submissions for 10 minutes.

Leave granted in both the special leave petitions.

The appeals are disposed of in terms of the signed
order.

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Sarita (Radha Rani Bhatia)@@
AA
Court Master@@
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(Signed order is placed on the file)

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CRIMINAL APPEAL NO. 174 OF 2002@@
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(Arising out of SLP(Crl.)No.1057/2000)

J.L. PRASAD

...APPELLANT

VERSUS

M/S. SRI RAMA KRISHNA CONSTRUCTIONS & ANR.

...RESPONDENTS

WITH CRIMINAL APPEAL NO. 175/2002 @ SLP(Crl.)No.1057/2000

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CRL.A.NO.....@ SLP(Crl.)No.1057/2000 :@@
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Leave granted.

The appellant challenged his conviction under Section 138 of the Negotiable Instruments Act before the High Court by filing a revision petition. He had laid challenge to the merits of the conviction, as also to the quantum of sentence. The High Court disposed of the revision by taking into consideration the legality and propriety of sentence only and did not at all advert to the legality of conviction itself. Having heard the learned counsel for the parties, we are of the opinion that such a summary disposal of the revision by the High Court was not justified and the High Court should have ..2/-

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taken into consideration the merit of the challenge laid by the appellant on the legality and propriety of the conviction itself.

For the foregoing reason the appeal is allowed. The impugned order of the High Court is set aside. The criminal revision shall stand restored on the file of the High Court and shall be heard and disposed of on merits consistently with the observations made hereinabove.

CRL.A.NO...../2002 @ SLP(Crl.)No.1217/2001 :@@
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Leave granted.

This appeal is filed by the complainant, disputing correctness of the view taken by the High Court on the question of sentence. In the submission made by the learned counsel for the complainant-appellant, the decision of this Court in K. Bhaskar -Vs.- Shankar@@
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Vaidya Balan and Anr. (1999) 6 SCALE 221 has no@@
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applicability to the facts of this case. Inasmuch as the judgment of the High Court has been set aside in Criminal Appeal No. 174 of 2002 and the criminal revision has been remitted back for re-hearing by the High Court, we ..3/-

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express no opinion on the plea raised by the complainant as it is available to be raised and considered by the High Court.

Both the appeals are disposed of accordingly.

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.....J.
(R.C. LAHOTI)

New Delhi,
February 1, 2002.

.....J.
(BRIJESH KUMAR)