

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S).747 OF 2021
(Arising out of Special Leave Petition (CrI.) No(s).3794/2021)

R KALAI SELVI

APPELLANT (s)

VERSUS

BHEEMAPPA

RESPONDENT(s)

O R D E R

Leave granted.

The short point in this appeal, against the order dated 15.01.2021, as passed by the High Court of Karnataka in Criminal Revision Petition No.515 of 2020, is as to whether the High Court was justified in providing that the deposit of fine amount shall be a condition precedent even for entertaining the criminal revision petition, preferred by the accused in terms of Section 397 read with Section 401 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.")?

The relevant background aspects of the matter are that in the complaint case instituted at the instance of the respondent, the Trial Court, by its judgment and order dated 29.08.2019, convicted the accused-appellant for the offence under Section 138 of the Negotiable Instruments Act, 1881 and sentenced her to fine in the sum of Rs.6,00,000/- (Rupees Six lakhs only) with the stipulation that in the event of default in payment of fine, she would undergo

simple imprisonment for six months. An amount of Rs.5,90,000/- was directed to be paid to the complainant as compensation in terms of Section 357 Cr.P.C. and the balance amount was to be remitted to the State. The appeal taken by the accused-appellant was dismissed by the Appellate Court on 12.06.2020, maintaining the order of the Trial Court. Aggrieved, the appellant approached the High Court by filing Criminal Revision Petition No.515 of 2020.

While dealing with the said criminal revision petition, the learned Single Judge of the High Court has taken note of the requirements of the order passed by the Trial Court, particularly the deposit of fine amount by the accused-appellant and thereafter, has observed that unless the fine amount was deposited, the appellant would not be entitled to press into service the hearing of criminal revision petition filed under Section 397 read with Section 401 Cr.P.C. Learned Single Judge has, *inter alia*, observed in the impugned order dated 15.01.2021 thus:

“....Unless the fine amount is deposited by the petitioner herein, the petitioner is not entitled to press into service the hearing of this petition which is filed under Section 397 read with Section 401 of the Cr.P.C.”

Learned Single Judge has, therefore, ordered that the criminal revision petition shall not be entertained unless the fine amount is deposited by the appellant.

Challenging the order so passed by the learned Single Judge, the accused-appellant has approached this Court and it is essentially submitted that the High Court was not justified in imposing a condition of pre-deposit of the fine amount for the

purpose of hearing the appellant's petition.

Learned counsel for the respondent has attempted his best to support the order passed by the High Court but could not dispute the position that there is no such mandatory statutory requirement of pre-deposit for the purpose of maintaining the revision petition before the High Court.

Taking into account all the facts and circumstances of the case as also the law applicable, we are clearly of the view that the High Court could not have made the deposit of fine amount a condition precedent for the purpose of hearing the revision petition. As to what order is to be passed ultimately in the revision petition is a matter entirely different and that would depend on the examination of the matter in terms of the requirements of revisional jurisdiction but, in any case, depositing of fine amount could not have been made a condition precedent for the purpose of even hearing of the revision petition so filed by the appellant.

In view of the above, we are unable to approve the impugned order passed by the High Court on 15.01.2021. The impugned order is, therefore, set aside. It is left open for the parties to pursue the matter in Criminal Revision Petition No.515 of 2020 before the High Court.

It goes without saying that we have not commented on merits of the case either way and all the aspects relating to revision petition are left open for consideration by the High Court. Having regard to the circumstances of the case, we may also observe that the High Court may assign a reasonable priority to the revision

petition and make an endeavour to take a final decision on the same expeditiously.

The appeal is allowed accordingly and to the extent indicated above.

.....J.
[VINEET SARAN]

.....J.
[DINESH MAHESHWARI]

NEW DELHI;
AUGUST 04, 2021.

ITEM NO.17 Court 11 (Video Conferencing) SECTION II-C

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (CrI.) No(s). 3794/2021

(Arising out of impugned final judgment and order dated 15-01-2021 in CRLRP No. 515/2020 passed by the High Court Of Karnataka At Bengaluru)

R KALAI SELVI Petitioner(s)

VERSUS

BHEEMAPPA Respondent(s)

IA No. 62440/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 04-08-2021 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VINEET SARAN
HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Petitioner(s) Mr. Shiv Kumar Pandey, Adv.
Mr. Chandrashekhar A. Chakalabbi, Adv.
Mr. Awanish Kumar, Adv.
Mr. Anshul Rai, Adv.
M/S. Dharmaprabhas Law Associates, AOR

For Respondent(s) Mr. Rajeev Kumar Bansal, AOR

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

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application(s), if any, stands disposed of accordingly.

(ARJUN BISHT) (ASHWANI THAKUR) (RAJ RANI NEGI)
(COURT MASTER (SH) AR-CUM-PS DY. REGISTRAR
(Signed order is placed on the file)