

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

WEDNESDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FIFTEEN

PRESENT
THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

**CRIMINAL PETITION Nos.6210, 6222, 6225 & 6227 of
2015**

Between:

Singa Reddy Subba Reddy

..... PETITIONER/ACCUSED

AND

The State of Andhra Pradesh, rep.by its
Public Prosecutor and another

.....RESPONDENTS

The Court made the following:

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

**CRIMINAL PETITION Nos.6210, 6222, 6225 & 6227 of
2015**

COMMON ORDER:

Since the petitioner, respondents and the facts involved in all these four criminal petitions are common, they are being disposed of by this common order.

These four criminal petitions are filed under Section 482 Cr.P.C seeking to quash the proceedings in four calendar cases viz., (1) CC No.315/2015, (2) CC No.316/2015; (3) CC No.47/2015; and (4) CC

No.314/2015 on the file of the Special Judicial Magistrate of First Class for Prohibition and Excise Offences, Kadapa, Y.S.R.District.

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor, representing the State.

The only grievance of the petitioner/accused in all these matters is that before taking cognizance of the matter, the learned Magistrate has not recorded the sworn statements of the complainant or the witnesses, as contemplated under Section 200 Cr.P.C, and in support of the said contention, the learned counsel for the petitioner/accused relied on two decisions of this Court in ***P.Ravinder Reddy v. Nalamalapur Subba Reddy and another***^[1] and ***Dr.M.S.N.Reddy v. State of Andhra Pradesh and another***^[2].

While dealing with the similar issue, the Apex Court in ***Indian Bank Assn. V. Union of India***^[3] issued certain directions to all criminal courts in the country dealing with cases falling under Section 138 of the Negotiable Instruments Act, in view of insertion of Sections 143 to 147 by the Negotiable Instruments (Amendment and Miscellaneous Provisions) Act, 2002, which was brought into force w.e.f. 06.02.2003, the first direction of which is to the following effect.

“The Metropolitan Magistrate/Judicial Magistrate (MM/JM), on the day when the complaint under Section 138 of the Act is presented, shall scrutinize the complaint and, if the complaint is accompanied by the affidavit, and the affidavit and the documents, if any, are found to be in order, take cognizance and direct issuance of summons.”

As seen from the record, the Court below took cognizance of the cases after the aforesaid amendment came into force.

In view of the above, I see no merit in these four criminal petitions.

Therefore, these four Criminal Petitions are dismissed.

Pending miscellaneous applications, if any, shall stand closed in

consequence.

M.S.K.JAISWAL,J

Date: 15.07.2015
Dsr

[\[1\]](#) 2013(1) ALD (CrI.) 929 (AP)
[\[2\]](#) 2014(2) ALD (CrI.) 897
[\[3\]](#) (2014) 5 SCC 590