

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.4172 OF 2015

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ORDER:

This Criminal Petition is filed by the petitioner/accused under Section 482 Cr.P.C seeking to quash the proceedings in C.C.No.121 of 2015 on the file of II Special Magistrate Court, Hyderabad.

Heard the learned counsel for the petitioner and the learned Public Prosecutor(Telangana) for the State before notice to respondent No.1/*de facto* complainant and before admission.

The petitioner is the sole accused of the above case, which was taken cognizance of a private complaint from cause of action under Section 138 of the Negotiable Instruments Act, 1881 by invoking Section 190 Cr.P.C.

The contention of the petitioner is that the so called cheque signature is not that of him apart from there is no legally enforceable debt. These facts falls short for this Court to admit the application under Section 482 Cr.P.C, for no *prima facie* material but for to show remedy is open to the petitioner if at all to file an application under Section 258 Cr.P.C. if there is any material from the complainant's case before the trial Court not from any excess material of the accused else to face the trial and discharge the burden if at all place on him from the evidence after examination of PW.1 with reference to the documents. Needless to say if the petitioner files an application under Section 205 Cr.P.C. to represent through special vakalat holder, the learned Magistrate shall hear and permit with necessary conditions.

Accordingly, this Criminal Petition is disposed of.

Miscellaneous petitions pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 10-06-2015

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