

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.2179 of 2015

ORDER:

Heard learned counsel for petitioner/complainant and perused the impugned Order.

The main objection of the petitioner/complainant is that it was only by a Memo the respondent/accused requested the trial Court to tear open the Cover under Ex.P.6 sent by him and not by way of a petition and no Court can pass an executable order on a Memo and therefore, the order of the trial Court with regard to tearing open of Ex.P.6 is vitiated by procedural irregularity.

A perusal of the impugned Order shows that under Ex.P.6 cover, the complainant sent a registered legal notice dated 22.12.2001 to the accused before launching prosecution under Section 138 N.I.Act. The said cover is marked as Ex.P.6 at the instance of the complainant. While so, the accused filed a memo before the trial Court to tear open the Ex.P.6 cover to look into the contents of the legal notice said to have been sent by the complainant through Ex.P.6 Cover. The Trial Court ultimately acceded to the request of the complainant. Hence, the instant petition by the complainant. Except contending that no executable order can be passed on a Memo, the complainant has not projected any prejudice that is going to be caused to him by virtue of the Order of the trial Court. Admittedly, Ex.P.6 Cover was sent by the Complainant and the Court and Accused have a right to know the inner contents of Ex.P.6 cover. Therefore, the alleged procedural irregularity cannot come in the way of trial Court's making substantial justice in the matter on hand. Hence, the Criminal Petition is found to be bereft of merits and hence liable to be dismissed.

In the result, the Criminal Petition is dismissed accordingly.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

U.DURGA PRASAD RAO,J

27-03-2015

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Dt. 27.03.2015

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