

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO
CRIMINAL PETITION No.2829 OF 2015

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.69 of 2014 on the file of Special Magistrate, Karimnagar, having been transferred from the Judicial Magistrate of First Class, Karimnagar (original C.C.No.785 of 2013), where cognizance was taken for the offence punishable under Section 138 of the Negotiable Instruments Act(for short 'the Act').

Heard Sri T.Ramulu, learned counsel for the petitioner, Sri B.Venkateswarlu, learned counsel for respondent No.1/*de facto* complainant and the learned Public Prosecutor for respondent No.2/State.

The main contention of the learned counsel for the petitioner is that there is no application for extension to receive the complaint, which was filed by respondent No.1 herein under Sections 200 and 202 r/w 190 Cr.P.C, beyond the statutory period of limitation and the complaint on its facts barred by time. Hence the proceedings are abuse of process and cannot survive.

In this regard, the learned counsel for the petitioner drawn attention of this Court as pleaded by him that the date of presentation of complaint was 22.05.2013, date of dishonour of cheque was 08.03.2013, date of legal notice was 15.03.2013, which was served and covered by acknowledgment on 17.03.2013 and date of cheque was 02.02.2013.

Having regard to the above, the undisputed fact is that the

complaint was not filed within one month from accrual of cause of action under Section 142 of the Act, thereby it is barred by time. Hence, the proceedings in the above said C.C. are liable to be quashed.

Accordingly, this Criminal Petition is allowed by quashing the proceedings in C.C.No.69 of 2014 on the file of Special Magistrate, Karimnagar.

Miscellaneous petitions pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 03-07-2015
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