

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.6346 of 2015

ORDER :

This Criminal Petition is filed by the Petitioners/accused Nos.1 and 2 under Section 482 Cr.P.C. seeking to quash the proceedings in C.C.No.186 of 2014 (Old C.C.No.341 of 2013)

on the file of I Special Magistrate at Vijayawada for the offence punishable under Section 138 of the Negotiable Instruments

Act, 1881 (for short, 'the Act').

2. Heard the learned counsel for the petitioners and the 1st respondent-State represented by the Public Prosecutor, before admission and before ordering notice to the 2nd respondent and perused the material on record.

3. As the facts of the case fall short for this Court to admit the petition under Section 482 Cr.P.C. to quash the proceedings in C.C.No.186 of 2014, which is the outcome of the private complaint filed by the complainant, in the matter trial has already commenced and is now at the stage of Section 145 (2) of the Act, this Criminal Petition is disposed of giving liberty to the petitioners to approach the trial Court and file an application under Section 258 Cr.P.C. before the learned Magistrate,

if there are no grounds to proceed further with trial to stop

the proceedings and the learned Magistrate shall hear and pass appropriate orders only from the evidence and complainant's side material. Needless to say, if the petitioners file any application afresh to recall the warrant under Section 70 (2) Cr.P.C., the learned Magistrate shall recall the warrants subject to execution of bonds under Section 88/89 Cr.P.C., if not already executed such bonds for future due appearance.

4. Miscellaneous petitions, if any, pending shall stand closed.

Dr. B. SIVA SANKARA RAO, J

20.07.2015

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