

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

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CRIMINAL PETITION No.4350 OF 2015

ORDER:

This Criminal Petition, under Section 482 Cr.P.C., is filed to quash the proceedings in C.C.No.105 of 2015 on the file of learned IV Special Metropolitan Magistrate, Hastinapuram, Cyberabad.

Heard both sides.

It is the case of respondent No.2/complainant that the accused have taken hand loan of Rs.2,00,000/- from him by executing a Promissory Note and when he requested the accused to repay the loan amount, petitioner No.2/A2 got issued a cheque in his favour, but when he presented the said cheque in the Bank, the same was returned with an endorsement 'Funds Insufficient'. Alleging that the accused have cheated him, respondent No.2 filed a complaint, which was registered as C.C.No.105 of 2015 on the file of learned IV Special Metropolitan Magistrate, Hastinapuram, Cyberabad.

After arguing for some time, learned counsel for the petitioners while not pressing the main prayer, requested this Court to dispense with the presence of the petitioners in the trial Court.

Considering the facts and circumstances of the case, the trial Court shall proceed with the trial of the case. However, in view of the request made by the learned counsel for petitioners, presence of petitioner Nos.1 and 3/A1 and A3 is dispensed with during the course of trial before the trial Court, except on the date or dates on which the learned trial judge insists their presence. So far as petitioner No.2/A2

is concerned, as specific allegations are levelled against him, this Court is not inclined to accept the request of the learned counsel for petitioners.

With the above observation, the Criminal Petition is disposed of. Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

M.S.K. JAISWAL, J

June 11, 2015

MD