

**THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA**

**Crl.P.No.3514 of 2015**

**ORDER**

This petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Code'), requesting to quash the proceedings in C.C.No.605 of 2013 on the file of XI Special Magistrate, City Criminal Courts at Erramanzil, which was originally registered as C.C.No.1193 of 2011 on the file of XI Additional Chief Metropolitan Magistrate, City Criminal Courts, Secunderabad and subsequently, the same was transferred to the Court of XI Special Magistrate, City Criminal Courts at Erramanzil, for the offences punishable under Sections 138 and 142 of Negotiable Instruments Act, 1881.

2. Heard both sides and perused the material on record.

3. Learned counsel for the petitioner represents that the petitioner is shown twice in the complaint and there is no allegation worth mentioning to connect his complicity in the commission of the offences alleged against him. He also submits that the trial has already been commenced and it is coming up for cross-examination of P.W.1.

4. To invoke the extraordinary jurisdiction of this Court under Section 482 of the Code, it is not a fit case as nothing can be gathered in the direction of abuse of process of law. Hence, the Criminal Petition is dismissed.

5. Learned counsel for the petitioner also urges that the appearance of the petitioner be dispensed with during the pendency of the proceedings before the trial Court as he is residing at Hanamkonda.

6. Keeping in view, that the name of the petitioner is shown as 2<sup>nd</sup> accused and also as 4<sup>th</sup> accused as Managing Director of one and the same company and even, the 1<sup>st</sup> and 3<sup>rd</sup> accused are also shown as one and the same company and the fact that the petitioner has to travel to Hanamkonda, his appearance is dispensed with,

with a direction that the learned counsel for the petitioner has to file petitions under Section 317 Cr.P.C., whenever the case is listed. However, the petitioner shall appear as and when directed by the learned Magistrate.

7. With the above observation, the Criminal Petition is dismissed.

8. As a sequel thereto, miscellaneous petitions, if any, pending in this criminal petition shall stand dismissed.

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**A. SHANKAR NARAYANA, J**

23<sup>rd</sup> April, 2015

sj