

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1035 OF 2015

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ORDER:

This Criminal Revision Case is filed against order, dated 09.06.2015, passed in CrI.M.P.No.465 of 2015 in C.C. No.75/2015, by the II Special Magistrate, Kukatpally at Miyapur, Ranga Reddy District.

The brief facts of the case are that the petitioner - accused took a hand loan of Rs.2,50,000/- by way of cash from the de facto complainant on 02.12.2013 by executing a promissory note in favour of the de facto complainant, promising to repay the same within a period of six months. When the de facto complainant demanded for repayment of the amount, the petitioner issued a cheque for Rs.2,50,000/- drawn on Canara Bank, Kukatpally. When the said cheque was presented by the de facto complainant in Andhra Bank, S.R. Nagar Branch, it was returned with the endorsement "Funds Insufficient." Hence, the de facto complainant filed CC No.75 of 2015 against the petitioner for the offence under Section 138 of the Negotiable Instruments Act (for short 'the Act'), before the II Metropolitan Magistrate, Kukatpally. The petitioner filed CrI.M.P.No.465 of 2015 under Section 227 of the Criminal Procedure Code seeking to discharge her from the said offence. By the order impugned, the trial Court dismissed the said application on the ground that the provision of law invoked by the petitioner is not applicable. Aggrieved by the same, the present revision is filed.

Heard both sides and perused the material on record.

Learned counsel for the petitioner submitted that the order passed by the learned Magistrate is erroneous and the complaint itself is not maintainable, as the cheque was not issued by the petitioner.

The Court below has dismissed the application on the ground

that the said application was filed under Section 227 Cr.P.C., and hence it is not maintainable. If the petitioner is aggrieved by the order passed by the Court below, she is at liberty to renew the application with proper provision of law. Upon filing of such application, the trial Court is directed to dispose of the same in accordance with law.

The Criminal Revision Case is, accordingly, disposed of. The Miscellaneous petitions, pending if any, shall stand closed.

RAJA ELANGO, J

June 22, 2015.
KTL