

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.13158 of 2014

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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.272 of 2014 on the file of Additional Judicial Magistrate of First Class, Kovur, where the learned Magistrate has taken cognizance for the offences punishable under Section 138 N.I Act, which is outcome of private complaint of 1st respondent—de facto complainant.

2) Heard the learned counsel for the petitioner/accused and the 2nd respondent-State represented by the Public Prosecutor before admission and even notice served to

1st respondent—de facto complainant not appeared hence taken as heard to decide on its own merits and perused the material on record.

3) Though it is the contention of the learned counsel for the petitioner/ accused that the cheque issued is only as a security for the pro-note debt, there is no basis or prima facie for this Court on seeing the complaint or the material placed by the accused to say that it is given only as a security.

4) Having regard to the above, the petitioner being a Government teacher is given liberty to file an application under Section 205 Cr.P.C before the learned Magistrate to represent through advocate, the lower Court shall consider the same after hearing with necessary conditions including personal appearance as and when required.

5) With the above observations, the Criminal petition is disposed of.

6) As a sequel, miscellaneous petitions pending, if any, in this criminal petition shall stand closed.

Dr. B. SIVA SANKARA RAO, J

14.10.2015

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Crl.P. No.348 of 2015 and Tr.Crl.P. No.9 of 2015

Date:13.10.2015

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