

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

* * * *

Crl.P. No.6990 of 2015

Between:

Ashok Kumar Jaju

.. Petitioner/ accused No.2

And

The State of Telangana,
represented by Public Prosecutor,
High Court at Hyderabad & another

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 05-08-2015

SUBMITTED FOR APPROVAL:

**HONOURABLE Dr. JUSTICE B.SIVA SANKARA
RAO**

1. Whether Reporters of Local newspapers

Yes/No

may be allowed to see the Judgment?

2. Whether the copies of judgment may be
marked to Law Reporters/Journals

Yes/No

3. Whether Their Lordship wish to

see the fair copy of the Judgment?

Yes/No

HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.6990 of 2015

ORDER:

This Criminal Petition is filed by the Petitioner/ accused No.2 under Section 482 Cr.P.C seeking to quash C.C. No.140 of 2015 on the file of XV Metropolitan Magistrate, Cyberabad at Medchal, where the learned Magistrate has taken cognizance for the offence under Section 138 N.I Act.

2) Heard learned counsel for the petitioner/ accused No.2 and the 1st respondent—State represented by learned Public Prosecutor before admission and before ordering notice to 2nd respondent—de facto complainant. Perused the material on record.

3) As there are no grounds to admit as the reply contention to the statutory notice given saying that there is no enforceable debt or other liability for the contract not fulfilled of the sale transaction by completion of construction is part of the defence of the accused to be decided by trial Court and thereby for this Court to admit is without prejudice to the defence, if at all, he wants to file an application under Section 258 Cr.P.C to stop the proceedings and the trial Court can consider else to proceed with trial. Needless to say, if he files an application under Section 205 Cr.P.C. to dispense with his personal appearance and represent through special vakalath holder and the learned Magistrate shall hear and permit with necessary conditions on appearance as and when required.

4) Accordingly, Criminal Petition is disposed of.

5) Consequently, miscellaneous petitions pending, if any, in this Criminal Petition shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:05.08.2015

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HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO

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CRIMINAL PETITION No. 6990 of 2015

Date: 05.08.2015

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