

THE HONOURABLE Dr.JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.9345 of 2015

ORDER:

Heard learned counsel for the petitioner/accused in C.C.No.262 of 2015 on the file of the IV Special Magistrate, Erramanzil, wherein the learned Magistrate taken cognizance for the offence punishable under Section 138 of Negotiable Instruments Act from a private complaint of the second respondent-*defacto* complainant and summoned the accused. Also heard the learned Public Prosecutor representing State - first respondent before admission and before ordering notice to the second respondent/*defacto*-complainant and perused the material on record.

It is the contention of the learned counsel for the petitioner that it is the case of a cheque given as security and there is no legally enforceable debt or other liability.

Such a contention is part of the defence left open to the accused to raise before the trial Court. Thereby there are no grounds to stall trial.

Accordingly, the Criminal Petition is disposed of before admission, left open to the accused to raise his defence before the trial Court.

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

Dr. B.SIVA SANKARA RAO J,

Date:06.10.2015

vhb