

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.13323 OF 2014

ORDER:

1 This petition is filed under Section 482 Cr.P.C seeking to quash the order dated 23.07.2014 passed in CrI.M.P.No.1242 of 2014 in C.C.No.321 of 2013 on the file of the Court of the XXII Special Magistrate, Hyderabad.

2 Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor representing the State.

3 A perusal of the record reveals that the first respondent filed a complaint against the petitioner under Section 138 of Negotiable Instruments Act. As per the allegations made in the complaint, the petitioner issued a cheque bearing No.197617 dated 08.06.2011 for an amount of Rs.13.00 lakhs in favour of the first respondent, drawn on Andhra Bank, N.S. Road Branch, Hyderabad. The first respondent presented the said cheque for collection in Andhra Bank, Bowenpally branch, Secunderabad. The said cheque was returned on 06.09.2011 with an endorsement 'funds insufficient'. Thereupon, the first respondent got issued a notice to the petitioner demanding him to pay the amount covered under the said cheque. However, the petitioner did not choose to pay the amount. Having no other alternative, the first respondent filed the complaint against the petitioner before the Court below under Section 138 of N.I.Act.

4 After completion of evidence, the first respondent herein filed CrI.M.P.No.1242 of 2014 in C.C.No.321 of 2013 before the trial Court under Section 91 of Cr.P.C seeking to call for D.W.1. After affording a reasonable opportunity to both parties, the trial Court dismissed the said petition with certain observations by order dated 23.07.2014. Being aggrieved by the observations made in the said order by the trial Court, the petitioner filed the present Criminal Petition.

5 It is not uncommon to make some observations by the Courts while disposing of the petitions. The only apprehension of the petitioner is that the observations made by the trial Court may effect the merits of the main case. The apprehension of the petitioner is not supported by any material. The trial Court has not committed any irregularity or illegality while passing the orders in CrI.M.P.No.1242 of 2014. There

are no grounds much less valid grounds to set aside the orders passed by the trial Court.

6 Having regard to the facts and circumstances of the case, the trial Court is hereby directed to dispose of C.C.No.321 of 2013 uninfluenced by any of the observations made by it in the order dated 23.07.2014 passed in CrI.M.P.No.1242 of 2014 in C.C.No.321 of 2013.

7 With the above direction, this petition is dismissed. As a sequel, the miscellaneous petitions, pending in this petition, if any, shall stand closed.

T. SUNIL CHOWDARY, J

Date: 9th December, 2015

Kvsn