

THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.P.No.2609 of 2016

ORDER

This petition u/s.482 Cr.P.C. is filed by the petitioners/A1 to A4 seeking to quash the proceedings in C.C.No.409 of 2015 on the file of XV Metropolitan Magistrate, Medchal, Cyberabad, Ranga Reddy District, against them.

2. It is alleged in the complaint that the accused issued a cheque to the complainant for an amount of Rs.3 lakhs and odd towards payment of the amount for supply of steel and other items and the same was dishonoured due to insufficient funds. Based on the private complaint, the case was registered against the accused for the offence punishable under Section 138 r/w.Sec.142 of Negotiable Instruments Act, 1881

3. Heard and perused the material on record.

4. After arguing some time, learned counsel for the petitioner confined his argument to the extent that the presence of the petitioners/A1 to A4 before the trial Court may be dispensed with. He further submits that the petitioners filed a memo on 15.10.2015 before the trial Court stating that the Court has no jurisdiction in view of the Ordinance passed by the Central Government and the same may be directed to be disposed of.

5. Truth or otherwise of the allegations made in the complaint cannot be decided at this stage. Therefore, this Court is not inclined to interfere with the impugned proceedings. However, in view of the request made by the learned counsel for the petitioners, the presence of the petitioners/A1 to A4 before the trial

Court is dispensed with except on the dates whenever their presence is insisted by the trial Court and they shall be represented by their counsel on all hearing dates. So far as the Memo filed by the petitioners is concerned, the trial Court is directed to dispose of the same in accordance with law on or before 15.03.2016.

6. With the above directions, the Criminal Petition is disposed of. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

JUSTICE RAJA ELANGO

15th February, 2016

sj