

THE HONOURABLE SMT JUSTICE ANIS

CRIMINAL PETITION No.14105 of 2016

ORDER

This petition under Section 482 Cr.P.C. is filed by the petitioner/accused seeking to quash the order dated 10.06.2016 passed in C.C.No.9 of 2016 on the file of Special Judicial First Class Magistrate, Venkatagiri, registered for the offence punishable under Section 138 of Negotiable Instruments Act, 1881.

2. Heard both sides and perused the material on record.
3. Learned counsel for the petitioner argued that on 10.06.2016, the petitioner was present before the trial Court and was examined under Section 251 Cr.P.C, but the trial Court was erroneously passed the order impugned directing the petitioner to furnish two sureties for a sum of Rs.20,000/-each.
4. Based on the complaint given by the second respondent, C.C.No.9 of 2016 was registered against the petitioner under Section 138 of Negotiable Instruments Act, 1881. On 10.06.2016, on appearance of the petitioner, copies were furnished to him and he was examined under Section 251 Cr.P.C. Though there is no procedure for directing the petitioner to produce sureties on the date of first hearing, learned Magistrate passed the order impugned directing him to produce two sureties for a sum of Rs.20,000/- each. The said order is erroneous and therefore, the same is hereby set aside. However, the petitioner is directed to give an undertaking that he should appear before the trial Court regularly.

5. With the above observation, the Criminal Petition is allowed. Miscellaneous applications, if any, pending in this petition shall stand closed.

29th September, 2016
sj

ANIS,J

