

THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.P.No.5320 of 2016

ORDER

-

This petition under Section 482 Cr.P.C. is filed by the petitioner/accused seeking to quash the proceedings in C.C.No.288 of 2015 on the file of Judicial First Class Magistrate, Chintalapudi, for the offence punishable under Section 138 of Negotiable Instruments Act, 1881, against him.

2. It is alleged in the complaint that the accused borrowed a sum of Rs.80,000/- from the complainant on 25.01.2015 and thereafter, he issued a cheque on 01.07.2015 for Rs.50,000/- drawn on Andhra Bank at Chintalapudi. When the complainant presented the said cheque on 07.09.2015, the same was dishonored due to insufficiency of funds. Thereafter, the complainant issued a legal notice to the accused, but in vain. Hence, he filed the complaint.

3. Learned counsel for the petitioner submits that no notice was served on the petitioner before filing the complaint.

4. The petitioner can raise all his contentions before the trial Court. In view of the nature of offence, the matter has to be decided after full fledged trial and at this stage, this Court is not inclined to interfere with the impugned proceedings. However, the presence of the petitioner/accused before the trial Court is dispensed with except on the dates whenever his presence is insisted by the trial Court and he shall be represented by his counsel.

5. With the above direction, the Criminal Petition is disposed of. Miscellaneous petitions, if any, pending in this criminal petition

shall stand closed.

RAJA ELANGO, J

18th April, 2016
sj