

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.5873 OF 2016

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ORDER:

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This Criminal Petition is filed under Section 482 of Code of Criminal Procedure (Cr.P.C.) to quash the proceedings in C.C.No.34 of 2016 on the file of the I Additional Chief Metropolitan Magistrate at Vijayawada, arising out of an offence under Section 138 of the Negotiable Instruments Act.

Heard and perused the material available on record.

This Court is of the view that truth or otherwise of the allegations made against the petitioner can be decided only after due trial. Hence, this Court is not inclined to interfere with the proceedings against the petitioner.

Considering the facts and circumstances, and also as the question of identity of the petitioner does not arise, the presence of the petitioner before the Court below is dispensed with except on the dates when the trial Court insists for his appearance. The petitioner shall be represented through his counsel before the Court below on all hearing dates. The petitioner is given liberty to file an application seeking discharge before the Court below raising all the grounds which are raised before this Court.

The Criminal Petition, with the above observations, is disposed of. Consequently, miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE RAJA ELANGO

22.04.2016

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