

THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.P.No.5240 of 2016

ORDER

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This petition under Section 482 Cr.P.C. is filed by the petitioner/accused seeking to quash the proceedings in C.C.No.167 of 2016 on the file of XIV Special Magistrate, Erramanzil, Hyderabad, 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.6,94,400/- from the complainant on 12.08.2014 and agreed to repay the same within four months, but he failed to pay the same. On demand, the accused issued two cheques on 03.12.2014 for Rs.3,47,200/-each to the complainant and when he presented the said cheques in the Bank, the same were dishonoured due to insufficient funds. Hence, the complainant issued a legal notice to the accused on 03.01.2015, but in vain. Thereafter, he filed the present complaint against the accused and the same was registered as C.C.No.167 of 2016 for the offence punishable under Section 138 of Negotiable Instruments Act, 1881.

3. In view of the allegations mentioned in the complaint, the matter has to be decided after full fledged trial and therefore, 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.

4. 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

13th April, 2016

sj