

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRL.P.NO.9647 OF 2016

ORDER

This criminal petition is filed under Section 482 Cr.P.C. seeking to quash the proceedings in C.C.No.944/2015 on the file of XIV Additional Chief Metropolitan Magistrate, Hyderabad, registered against the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act.

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

Specific allegations were made against the petitioner in the complaint. The truth or otherwise of the allegations can only be decided during course of trial. I see no grounds to interdict the investigation at this stage and quash the first information report.

The learned counsel for the petitioner submitted that as the petitioner was absent, due to ill-health, N.B.W. was issued against the petitioner and as the same may be recalled.

In the facts and circumstances of the case and the submissions of the learned counsel for the petitioner and the learned Additional Public Prosecutor, and having perused the material available on record, the criminal petition is disposed of directing the petitioner – accused No.3 to approach the trial court and file a petition under Section 70(2) of Cr.P.C. to recall warrant issued against him, within a period of one month from today and on such petition being filed, the trial court shall dispose of the said petition on the same day on which it is filed on usual terms, in accordance with law. Till the petition is filed to recall or for a period of one month from today, whichever is earlier, the petitioner shall not be arrested in execution of warrant in the present case.

Miscellaneous petitions pending if any, shall stand closed. No costs.

M.S.K.JAISWAL,J

DATE:05.07.2016

AVS
