

THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.P.No.6719 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.136 of 2012 on the file of II Additional Judicial Magistrate of First Class, Nellore District, registered for the offences punishable under Sections 138 and 142 of Negotiable Instruments Act, 1881, against her.

2. It is alleged in the complaint that the accused issued a cheque for a sum of Rs.5 lakhs to the complainant towards discharge of debt due to her under a promissory note dated 10.09.2010. When the complainant presented the said cheque in the Bank, the same was dishonoured due to insufficiency of funds. Hence, after following due procedure, the complainant filed the present complaint against the accused.

3. Heard and perused the material on record.

4. Since the matter arising out of financial transactions, it has to be decided after full fledged trial and therefore, this Court is not inclined to interfere with the impugned proceedings.

5. At this stage, learned counsel for the petitioner confined his argument to the extent that as NBW is pending against the petitioner/accused, the same may be recalled and her presence before the trial Court may be dispensed with.

6. Considering the facts and circumstances of the

case and the petitioner/accused being a lady, the NBW pending against her can be recalled. Accordingly, the Criminal Petition is disposed of, with the following direction;

The petitioner is directed to surrender before the trial Court on or before 15.06.2016 and make an application for recalling of NBW pending against her. On filing such an application, the trial Court shall recall the warrant on the petitioner executing a bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for a like sum to its satisfaction, failing which, the trial Court is at liberty to take appropriate steps. Till such time, the warrant issued against the petitioner is hereby suspended. Further, the presence of the petitioner/accused before the trial Court is dispensed with except on the dates whenever her presence is insisted by the trial Court and she shall be represented by her counsel.

7. 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

28th April, 2016
sj