

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.4565 OF 2016

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ORDER:

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This Criminal Petition is filed by the petitioner-accused under Section 482 Cr.P.C., seeking to quash the proceedings against him in C.C.No.56 of 2016 on the file of the III Additional Chief Metropolitan Magistrate at Gajuwaka.

Heard and perused the material available on record.

It is alleged that the petitioner, who obtained loan from the 2nd respondent, issued the cheque in question towards discharge of loan amount and when the said cheque was presented, it was dishonoured. Thus, the petitioner committed the offence punishable under Sections 138 and 142 of the Negotiable Instruments Act.

Learned Counsel for the petitioner submitted that at the time of giving loan amount, the 2nd respondent obtained mortgage deed and also blank cheques from the petitioner towards collateral security and that there is no legally enforceable debt.

The grounds raised by the petitioner are the points to be decided by the trial Court after fullfledged trial. Therefore, this Court is not inclined to grant the relief sought by the petitioner.

At this stage, the learned Counsel for the petitioner prayed for dispensing with the presence of the petitioner before the trial Court.

In view of the above submission, the presence of the petitioner before the trial Court is dispensed with except on the date of framing of charges, if any; on the date of examination under Section 313 Cr.P.C. and on the date of pronouncement of judgment. The petitioner is directed to be represented by a Counsel before the trial Court on all hearing dates.

Accordingly, the Criminal Petition is disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Date : 1.4.2016

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HONOURABLE SRI JUSTICE RAJA ELANGO

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DATED 1.4.2016

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