

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.14239 of 2014

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash proceedings initiated against the petitioner/accused in C.C.No.872 of 2014 pending on the file of V Additional Judicial Magistrate of First Class, Nellore, arising out of complaint filed under Section 138 read with Section 142 of the Negotiable Instruments Act, 1881.

Heard and perused the material.

Admittedly, a private complaint is filed under Section 138 of the Act for dishonour of the cheque issued by the petitioner/accused. A reading of the complaint reveals that specific allegations are made against the petitioner, the truth of which can be determined only after due trial and the same cannot be decided by this Court invoking the jurisdiction under Section 482 Cr.P.C. Hence, this Court is not inclined to interfere with the proceedings against the petitioners.

In any event, considering the nature of allegations wherein the question of identity of the accused does not arise, presence of the petitioners before the trial Court is dispensed with except on the dates of framing of charges, examination under Section 313 Cr.P.C. and also on the date of pronouncement of judgment. However, the petitioners shall be properly represented through their counsel before the trial Court.

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Accordingly, the Criminal Petition is disposed of.
Consequently, the Miscellaneous Petitions pending in this petition.

if any, shall stand closed.

Date: 31-03-2016

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Ksn

RAJA ELANGO, J