

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1853 OF 2016

ORDER:

This Criminal Revision Case is filed by the petitioner-accused against the order dated 1.7.2016 passed in CrI.M.P.No.509 of 2016 in C.C.No.29 of 2016 by the Judicial First Class Magistrate, Venkatagiri Town, SPSR Nellore District.

The 2nd respondent-complainant filed a complaint against the petitioner for the offence punishable under Sections 138 r/w 142 of the Negotiable Instruments Act and the same was numbered as C.C.No.29 of 2016. Earlier, the petitioner-accused filed CrI.P.No.3968 of 2016 before this Court seeking to quash the proceedings in the above C.C. This Court declined to entertain the said Criminal Petition since the material on record reveals specific allegations against the petitioner. However, in the above Criminal Petition, this Court ordered to dispense with the personal attendance of the petitioner before the trial Court except on the dates when the presence of the petitioner is essential. Thereafter, the petitioner filed the above CrI.M.P. before the trial Court seeking to discharge him for the offence under Sections 138 r/w 142 of the Negotiable Instruments Act. The trial Court dismissed the petition on the ground that the grounds raised in the earlier CrI. Petition No.3968 of 2016 and the present CrI.M.P. are one and the same and that in CrI. Petition No.3968 of 2016, this Court held that the material on record prima facie reveals specific allegations against the petitioner. Aggrieved by the dismissal of the above CrI.M.P., the petitioner filed this revision.

After arguing for some time, the learned Counsel for the petitioner confined his argument only to dispense with the presence of the petitioner before the trial Court.

In the facts and circumstances of the case and the nature of the offence, this Court is not inclined to interfere with the order under revision. However, considering the submission made by the learned Counsel for the petitioner, the presence of the petitioner before the trial Court is dispensed with except on the dates when his presence is specifically insisted by the trial Court. The petitioner-accused is directed to be represented through a Counsel before the trial Court on all hearing dates.

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

JUSTICE RAJA ELANGO

Date : 15.7.2016

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HONOURABLE SRI JUSTICE RAJA ELANGO

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DATED 15.7.2016

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