

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.6560 OF 2016

ORDER:

-

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, is filed by the petitioner/accused seeking to quash the proceedings against him in C.C.No.557 of 2013, on the file of the XXV Special Magistrate, Khairathabad, Hyderabad, for the offences punishable under Sections 138 and 142 of the Negotiable Instruments Act, 1881.

Heard and perused the material available on record.

The petitioner confined his argument only in connection with pendency of NBW.

The allegations against the petitioner is that the petitioner obtained loan of Rs.1,80,000/- from the 2nd respondent on 09.09.2010 and agreed to clear the loan amount within 12 months, but failed to clear the dues. On several demands, the accused issued a cheque bearing No.013066, dated 03.05.2013, for an amount of Rs.2,31,68,702/- drawn on IBDI Bank, towards discharge of liability, but it was returned for insufficient funds on the same day. The truth of the said allegations can be decided only after due trial. Hence, this Court is not inclined to quash the proceedings against the petitioner.

At this stage, learned counsel for the petitioner submitted that the NBW is pending against the petitioner and the same may be recalled.

Having heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and having perused the material available on record, this Court is of the view that this petition can be disposed of with the following directions:

The petitioner-accused is directed to appear before the Court concerned and file petition to recall the warrant pending against him and on such petition being filed, the Court concerned is directed to recall the warrant on the same day on his executing a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for a like sum. Further, the petitioner is directed to appear before the Court concerned on the date insisted by the Court.

-

Accordingly, the Criminal Petition is disposed of. Miscellaneous Petitions pending, if any, shall stand closed.

RAJA ELANGO, J

Date: 27th April, 2016.

KL

THE HONOURABLE SRI JUSTICE RAJA ELANGO

-
-
-
-
-
-
-

-

CRIMINAL PETITION No.6560 OF 2016

Date: 27th April, 2016.

KL