

THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.P.No.5236 of 2016

ORDER

-

This petition under Section 482 Cr.P.C. is filed by the petitioner/accused seeking to quash the proceedings in C.C.No.22 of 2016 on the file of II Special Magistrate, Miyapur, Ranga Reddy District, for the offence punishable under Section 138 r/w.142 of Negotiable Instruments Act, 1881, against him.

2. It is alleged in the complaint that the accused borrowed a sum of Rs.3 lakhs from the complainant on 23.11.2013 with interest at 24% per annum and agreed to pay the same within three months, but he failed to pay the same. On demand, the accused issued a cheque on 15.09.2014 to the complainant and when he presented the said cheque in the Bank, the same was dishonoured on the ground that 'Exceeds Arrangement'. Hence, the complainant issued a legal notice to the accused on 15.10.2014, but in vain. Thereafter, he filed the present complaint against the accused and the same was registered as C.C.No.22 of 2016 for the offence punishable under Section 138 r/w.142 of Negotiable Instruments Act, 1881.

3. In view of the allegations mentioned in the complaint, the matter has to be decided after full fledged trial and therefore, this Court is not inclined to interfere with the impugned proceedings. However, the presence of the petitioner/accused before the trial Court is dispensed with except on the dates whenever his presence is insisted by the trial Court and he shall be represented by his counsel.

4. 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

13th April, 2016
sj