

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.6900 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 proceeding against him in CC No.370 of 2011 on the file of the Additional Judicial Magistrate of First Class, Anakapally, Visakhapatnam, District, for the offence punishable under Section 138 of the Negotiable Instruments Act.

Heard and perused the material available on record.

The allegation against the petitioner is that he borrowed an amount of Rs.50,000/- from the de facto complainant by executing a promissory note agreeing to repay the same with 24% interest and when the de facto complainant demanded for repayment of the same, the petitioner issued a cheque, which was dishonoured when deposited by the de facto complainant. The truth or otherwise 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 NBWs are pending against the petitioner and the same may be recalled.

Having heard the learned counsel for the petitioners 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 a 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. The petitioner is directed to appear before the Court below on all hearing dates.

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

RAJA ELANGO, J

April 29, 2016.

KTL