

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.9510 of 2015

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.39 of 2010 on the file of Judicial Magistrate of First Class, Husnabad, Karimnagar District, arising out of private complaint filed for the offences punishable under Section 138 of the Negotiable Instruments Act, 1881.

Heard and perused the material available on record.

The main grounds raised by the learned counsel for the petitioner/accused is that the alleged cheque does not belong to the petitioner and the same belongs to one M/s. Gayathri traders and that the petitioner is neither partner nor sole proprietor of the said traders. He further contended that the signature on the alleged cheque does not belong to the petitioner and the same is forged one.

Having heard the learned counsel for the petitioner and on perusal of the material on record, this court is of the view that all these points are matters to be adjudicated on merits by the trial Court during the course of trial and the same cannot be adjudicated herein in exercise of jurisdiction under Section 482 Cr.P.C.

Since it is stated that the case is pending from 2010, the learned Judicial Magistrate of First Class, Husnabad, Karimnagar District is directed to dispose of C.C.No.39 of 2010 pending on his file as expeditiously as possible, preferably within a period of six (6) months from the date of receipt of a copy of the order.

However, it is made clear that since the identity of the petitioner is not disputed or denied, the presence of the petitioner/accused before the trial Court is dispensed with except on the dates when his presence is specially required for the purpose of examination under Section 313 Cr.P.C. or for any other purpose. But, the petitioner shall be properly represented by his counsel.

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Subject to the above directions, the Criminal Petition is disposed of. Consequently, miscellaneous petitions, if any, pending, shall stand closed.

RAJA ELANGO, J

Date: 23-03-2016

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