

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.4532 OF 2016

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ORDER:

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This Criminal Petition is filed under Section 482 of Code of Criminal Procedure (Cr.P.C.) to quash the proceedings in CrI.M.P.No.5205 of 2015 on the file of the III Additional Judicial Magistrate of First Class, Tirupathi, arising out of offences under Sections 138 read with Section 142 of the Negotiable Instruments Act.

Heard and perused the material available on record.

The petitioner herein has filed CrI.M.P.No.5205 of 2015 under Section 254(2) of the CrPC., to receive the certified copy of the written statement and account slip passed by the complainant in O.S.No.85 of 2003 on the file of the Principal Senior Civil Judge, Tirupati and that the Court below dismissed the said application by order dated 02.03.2016.

Learned counsel for the petitioner submits that marking of the documents and the examination of the petitioner are very crucial to prove his case and as such, seeks a direction to the Court below to restore the applications and pass appropriate orders.

Considering the facts and circumstances of the case, one more opportunity may be given to the petitioner/accused and as such, the application being CrI.M.P.No.5205 of 2015 restored to its file and the Court below is directed to hear the learned counsel for the petitioner regarding the admissibility and authenticity of the documents and also the examination of the petitioner/accused and to pass appropriate orders in accordance with law. The said exercise may be completed on or before 29.04.2016.

The Criminal Petition is accordingly disposed of. Consequently, miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE RAJA ELANGO

01.04.2016

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