

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.2550 of 2016

ORDER:

This criminal petition, under Section 482 of the Code of Criminal Procedure, is filed by the petitioner-Accused seeking to quash order, dated 27.01.2016, in Crl.R.P. No.24 of 2015 passed by the I-Additional Sessions Judge, Nizamabad, whereby the learned Sessions Judge dismissed the revision petition filed by the petitioner by confirming the order, dated 18.11.2015, in Crl.M.P. No.1919 of 2015 in CC No.576 of 2013 passed by the I-Additional Judicial Magistrate of First Class, Nizamabad.

The petitioner is accused in CC No.576 of 2013. The allegation against him is that he has borrowed an amount of Rs.5,00,000/- from the de facto complainant and he issued a cheque for repayment of the said loan. But, when the said cheque was deposited in the Bank, the same was dishonoured for the reason 'insufficient funds.' Hence, the de facto complainant filed the above CC against the petitioner before the I-Additional Judicial Magistrate of First Class, Nizamabad. The evidence on behalf of the complainant was completed and the case is posted for accused side evidence and the accused also examined two witnesses on his behalf. At this stage, the petitioner – accused filed the impugned application stating that he has taken loan of Rs.1,00,000/- only from the de facto complainant, but not Rs.5,00,000/- as stated by the de facto complainant and the de facto complainant noted down the same in ledger book maintained by him and hence, the same may be summoned.

The learned trial Judge, after perusing the material available on record, dismissed the said application by order, dated 18.11.2015, on the ground that there is no material to establish the existence of ledger book and if really the ledger book is existed, definitely the accused might have posed some questions to that effect but nothing was

elicited from the cross-examination of PW.1 or in the chief examination of DW.1 with regard to existence of the ledger book. Against the said order, the accused filed revision before the I-Additional Sessions Judge, Nizamabad. The learned Sessions Judge dismissed the revision petition through the order impugned. Hence, the accused filed the present petition.

Heard and perused the material available on record.

After perusing the orders passed by the Courts below this Court is of the view that the learned Magistrate has rightly exercised his discretion vested in him and the reasons assigned by the learned Magistrate are just and reasonable; and the same are also confirmed by the revisional Court. The orders under challenge do not suffer from any serious infirmity warranting interference of this Court and therefore, the criminal petition is liable to be dismissed.

Accordingly, the criminal petition is dismissed. Miscellaneous petitions, pending if any, shall stand closed.

RAJA ELANGO, J

February 26, 2016.
KTU