

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.13922 OF 2016

ORDER:

Heard Sri A. Krishna Rao, learned counsel for the petitioner, Sri K. Sai Babu, learned counsel for respondent No.1, and the learned Public Prosecutor for respondent No.2.

2. A request is made in the present petition by the accused, who was convicted by the trial Court (Magistrate Court), to quash the order, dated 02.09.2016, passed in CrI.M.P.No.1135 of 2016 in CrI.A.No.944 of 2014 on the file of Special Judge for Trial of Offences under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act – cum – VI Additional Metropolitan Sessions Judge, Secunderabad.

3. The facts, in brief, would show that when the Calendar Case was pending before the concerned Magistrate Court, the petitioner made an application to send the cheque in question for opinion of the handwriting expert, in an offence punishable under Section 138 of the Negotiable Instruments Act, 1881. It appears, the learned Magistrate dismissed the petition and the matter was carried to learned Metropolitan Sessions Judge, Hyderabad, where he was unsuccessful. Later, he was convicted and aggrieved by the same, he preferred an appeal in CrI.A.No.944 of 2014 pending on the file of VI Additional Metropolitan Sessions Judge, Secunderabad. When a similar application is made again, he was unsuccessful again and he carried

the matter to this Court and this Court, passed orders in CrI.P.No.517 of 2016 not acceding to the relief, but, however, while disposing of the Criminal Petition, granted liberty to the petitioner to prefer an application before the appellate Court for sending the cheque for expert opinion, if he is so advised. Thereafter, when he filed CrI.M.P.No.1135 of 2016, the VI Additional Metropolitan Sessions Judge, Secunderabad, by the order under challenge, dated 02.09.2016, dismissed the petition having found no merit and referring to the earlier attempts made by the petitioner.

4. All these facts would clearly reflect that the petitioner time and again, despite getting adverse orders from the Court, still, pursuing the very same relief. Absolutely, there is no error at all in the order under challenge. Therefore, the request for quashing the order under challenge cannot be acceded to.

6. Hence, the Criminal Petition is dismissed. Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand closed.

A. SHANKAR NARAYANA, J

September 28, 2016.
MD