

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.2464 of 2016

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.83 of 2010 pending on the file of II Additional Junior Civil Judge-cum-Additional Metropolitan Magistrate at Anakapalli, Visakhapatnam District, arising out of a private complaint filed by the 2nd respondent for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881.

Heard and perused the material available on record.

The main grievance of the petitioner is that in the complaint it is nowhere stated on what date the cheque was deposited and on what date the cheque was dishonoured and on what date the legal notice was returned and that in the absence of above facts, no prima facie case is made out against the petitioner.

Having regard to the facts and circumstances of the case and the submission made by the learned counsel, this Court is of the view that all these issues have to be necessarily ascertained by the trial Court during the course of trial and the same cannot be decided at this stage and hence, this Court is not inclined to interfere with the said proceedings.

In any event, taking into consideration the fact that the petitioner is a lady, the presence of the petitioner is dispensed with before the trial Court except on the dates when her presence is essentially required by the Court.

Subject to the above observation, the Criminal Petition is dismissed. As a sequel thereto, miscellaneous petitions, if any,

pending, shall stand closed.

RAJA ELANGO, J

Date: 26-02-2016

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