

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.3987 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.791 of 2015 pending on the file of Special Judicial Magistrate of First Class, at Medak, FAC Judicial Magistrate of First Class, Medak, arising out of a private complaint filed under Section 138 of Negotiable Instruments Act, 1881.

Heard and perused the material available on record.

The offence alleged against the petitioner is punishable under Section 138 of Negotiable Instruments Act. Admittedly, a private complaint is filed by the first respondent/complainant, alleging dishonour of cheque given towards legally enforceable debt. A reading of complaint reveals some allegations against the petitioner, the truth of which can be decided only after due trial. Hence, this Court is not inclined to interfere with the proceedings against the petitioner.

In any event, considering the nature of allegations wherein the question of identity of the petitioner/accused does not arise, the presence of the petitioner/accused before the trial Court is dispensed with except on the dates of framing of charges and examination under Section 313 Cr.P.C. However, the petitioner/accused shall be properly represented through her counsel before the trial Court.

Accordingly, the Criminal Petition is disposed of. Consequently, the Miscellaneous Petitions pending in this petition, if any, shall stand closed.

RAJA ELANGO, J

Date: 22-03-2016

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