

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

Criminal Petition No.11425 of 2016

ORDER:

This Criminal Petition is filed by the petitioner/accused seeking to quash the proceedings in S.T.C.No.24 of 2012 pending on the file of Judicial Magistrate of First Class, Kuppam, for the offence under Section 138 of Negotiable Instruments Act.

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor. Perused the record.

The points now raised by the learned counsel for the petitioner are all disputed questions of fact and truth or otherwise of the same can be ascertained only after full-fledged trial by the trial Court. Now, the learned counsel for the petitioner submitted that N.B.Ws. are pending against the petitioner.

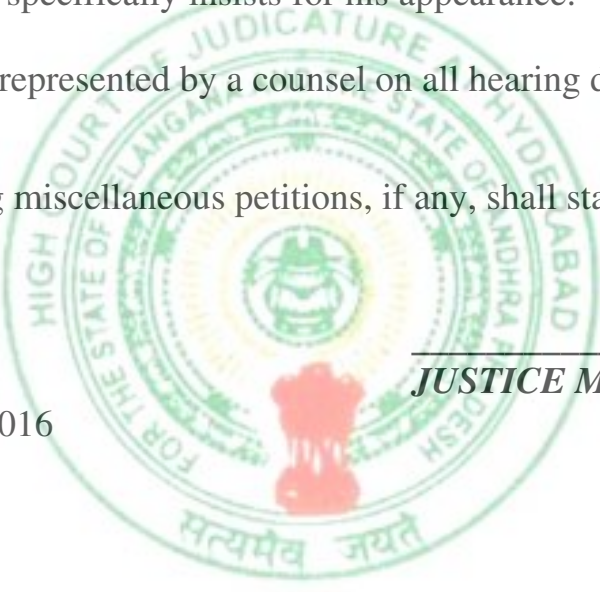
It is represented that insofar as the same petitioner-accused, another S.T.C. No.29 of 2012 was filed in which also warrant was issued and this Court in Criminal Petition No.3736 of 2016, dated 28-03-2016 passed the order as follows :

“In the circumstances of the case, the petitioner is directed to surrender before the Court below and file an application seeking to recall the warrant. On filing such application, the Court below is directed to recall the Warrant issued against the petitioner on the same day. Thereafter the presence of the petitioner before the trial

Court is dispensed with except on the dates on which the trial Court specifically insists for his appearance. The petitioner is directed to be represented by a counsel on all hearing dates.”

In that view of the matter, the Criminal Petition is disposed of directing the petitioner to surrender before the Court below and file an application seeking to recall the warrant. On filing such application, the Court below is directed to recall the Warrant issued against the petitioner on the same day. Thereafter the presence of the petitioner before the trial Court is dispensed with except on the dates on which the trial Court specifically insists for his appearance. The petitioner is directed to be represented by a counsel on all hearing dates.

Pending miscellaneous petitions, if any, shall stand closed.



JUSTICE M.S.K.JAISWAL

Date : 01.09.2016

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