

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.4064 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.85 of 2013 on the file of III Additional Judicial First Class Magistrate, at Khammam arising out of private complaint filed under Section 138 read with Section 142 of the Negotiable Instruments Act, 1881.

Heard and perused the material 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 accused does not arise, presence of the petitioners before the trial Court is dispensed with except on the dates of framing of charges, if any, examination under Section 313 Cr.P.C., and also on the date of pronouncement of judgment. However, the petitioner/accused shall be properly represented through their counsel before the trial Court.

With the above direction, the Criminal Petition is disposed of. Consequently, miscellaneous petitions, if any, pending, shall

stand closed.

Date: 28-03-2016

-
Ksn

RAJA ELANGO, J