

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

CRIMINAL REVISION CASE No.930 of 2016

ORDER:

This Criminal Revision Case, under Section 397 read with 401 of Code of Criminal Procedure, 1973 is directed against order, dated 09.03.2016 passed in CrI.M.P.No.3425 of 2015 in C.C.No.241 of 2015 on the file of XI Special Magistrate, Hyderabad, whereunder and whereby, Miscellaneous Petition filed under Section 258 Cr.P.C., to stop further proceedings of the case by taking into consideration the material and documents placed before the Court, which shall have the effect of discharge and acquittal of the petitioner, was dismissed.

2. Originally respondent No.1/complainant filed a private complaint against the petitioner under Sections 138, 141 and 142 of the Negotiable Instruments Act, 1881. The said case was taken on file as C.C.No.687 of 13. Thereafter, the petitioner filed CrI.P.No.6415 of 2015 before this Court seeking to quash the proceedings in C.C.No.241 of 2015 (old number C.C.687/2013) on the file of XXIV Special Magistrate, Erramanzil, Hyderabad. The said petition was dismissed by this Court on 21.07.2015 giving liberty to file an application under Section 258 Cr.P.C. Thereafter, the petitioner filed a petition under Section 258 Cr.P.C., before the trial Court, which was dismissed vide order, dated 09.03.2016. Challenging the same, the present revision case is filed.

3. Though various grounds are raised, learned counsel for the revision petitioner restricts his prayer seeking a direction to the trial Court to dispense with the presence of the petitioner before the trial Court.

4. Learned counsel for respondent No.1 did not oppose the same.

5. Having regard to the fact that the petitioner is aged about 66 years and is suffering from old age ailments and as there is no dispute with regard to identity, the presence of the petitioner before the trial Court can

be dispensed with.

6. Accordingly, the Criminal Revision Case is disposed of dispensing with the presence of the petitioner in C.C.No.241 of 2015 on the file of XI Special Magistrate, Secunderabad. However, the petitioner shall appear before the trial Court on the date of 313 Cr.P.C., examination and on the date of pronouncement of judgment. Miscellaneous petitions, if any, pending in this revision case shall stand closed.

C.PRAVEEN KUMAR, J

APRIL 06, 2016

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