

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.9506 of 2017

ORDER :

Heard learned counsel for the petitioner/accused in C.C.No.204 of 2014 on the file of the V Additional Chief Metropolitan Magistrate, City Criminal Courts, Nampally, Hyderabad, which is outcome of the private complaint of the 2nd respondent for dishonour of the cheque under Section 138 of the Negotiable Instruments Act (for short 'the Act') and from the dishonour of cheque after statutory notice, from the accrual cause of action taken cognizance under Section 152 of the Act and also heard learned Public Prosecutor representing the State and perused the grounds urged in the Criminal Petition and the other material on record.

One of the contentions of the learned counsel for the petitioner is that there is no legally enforceable debt. Once the signature on the cheque and cheque rooted from his account could not be disputed, it is a matter of trial including from the reverse onus clause burden on the accused as laid down by the three Judge Bench in Rangappa v. Sri Mohan¹.

Having regard to the above, there is nothing to admit the Criminal Petition, much less, to interdict the trial. As the difficulty expressed for day to day appearance from claiming

¹ AIR 2010 SC 1898

staying at far place not even residing at Yadagirinagar, the petitioner is at liberty to approach the trial Court by filing an application under Section 205 Cr.P.C. for the learned Magistrate to hear and pass appropriate orders with necessary conditions of personal appearance as and when required.

Accordingly, the Criminal Petition is disposed of.

Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

Date:11-10-2017

Dr. B. SIVA SANKARA RAO, J

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HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.3276 of 2014

DATE: 24.08.2017



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