

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

Criminal Petition Nos.8171 and 8183 of 2017

COMMON ORDER:

Heard the learned counsel in both the Criminal Petitions for the self same petitioner/Accused in C.C.No.881 of 2015 and C.C.No.136 of 2017 respectively pending on the file of the V Addl.Judl.Magistrate of First Class, Kakinada, where the learned Magistrate taken cognizance for the offence u/sc.138 of the Negotiable Instruments Act(for short, 'the Act') on the complaint of the self same 1st respondent/complainant, for dishonour of the cheques bearing Nos. 867981 and 867982 dated 14.12.2012 respectively for Rs.5,00,000/- each in question from the dishonour and after statutory notice on the accrual of cause of action, for which the complainant filed the respective complaints.

Several contentions raised in the grounds of the respective petitions to quash the proceedings in the Calander Cases supra are matter of defence to be adjudicated by the trial Court and premature for this Court much less anything on merits for pre-judging the same. However, if any N.B.W. issued against the petitioner, it is left open to the petitioner by virtue of this order that in the event of the petitioner filing an application for recall, the learned Magistrate to recall by obtaining a bond u/sec.88 of CrPC, with or without sureties, as the case may be.

Accordingly and in the result, both the Criminal Petitions are disposed of. Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 04.09.2017

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