

HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.9087 of 2017

ORDER.

Heard learned counsel for the petitioner, learned Public Prosecutor and perused the record.

This Criminal Petition is filed by the petitioner–accused to quash C.C.No.2 of 2016 on the file of the learned Additional Judicial First Class Magistrate, Prathipadu.

Learned counsel for the petitioner would submit that the petitioner issued a notice to the banker stating that he lost his cheques and also contended that no notice was served on him before instituting the proceedings under Sections–138 and 142 of the Negotiable Instruments Act, 1881.

There is record to show that a notice was served on the petitioner–accused on 30.01.2014, but the acknowledgment was not received by the complainant. The complainant has filed the Internet status report showing service of notice on the petitioner.

Whether the cheques were lost or not can only be determined after full-fledged trial in the afore–mentioned C.C.

Under these circumstances, there are no grounds to quash C.C.No.2 of 2016 on the file of the learned Additional Judicial First Class Magistrate, Prathipadu. Hence, the Criminal Petition is dismissed.

As a sequel, the Miscellaneous Petitions, if any, shall stand dismissed.

Dr. SHAMEEM AKTHER, J

03rd October 2017

DR

