

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.6397 OF 2017

ORDER:

Heard learned counsel for the petitioner/accused and also heard the learned public prosecutor, representing the 1st respondent – State, before ordering notice to the 2nd respondent.

2. There is a force in the contention that there is a valuable defense in favour of the petitioner to say that it can be proved that there is no legally enforceable debt or other liability and the cheques are misused and the version of the complainant is not reliable. However, it is premature for this Court, much less, in a quash petition but for left open in the course of trial before the trial court as part of the defense if any.

3. With the above observations, this criminal petition is disposed of, for nothing to interdict the trial much less to quash for not in a position to go into the disputed questions of fact. Needless to say, if at all the petitioner for any inconvenience to attend regularly in person by virtue of the order can move the trial court to permit to represent through Special Vakalat Holder under section 205 Cr.P.C. to hear and consider with necessary conditions of personal appearance as and when required.

4. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

DR.B.SIVA SANKARA RAO, J

22.09.2017
SS