

THE HON'BLE DR JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION NO.7064 OF 2017

ORDER:

Heard the counsel for the petitioners-A1 and A2 of C.C.No.1232 of 2015 on the file of the Judicial Magistrate of First Class at Miryalguda, Nalgonda District, for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881, maintained by the second respondent that was taken cognizance by the learned Magistrate and perused the grounds urged in the quash petition.

The contention of the petitioners is that the cheque was not issued in favour of the second respondent and thereby, the cognizance order is unsustainable. However, once the cheque is routed out from the account of the accused and it bears the signature of the first accused on behalf of the second accused also, it is a matter for trial. Coming to the submission of the first petitioner-A1, U.Venkata Ramana @ Chinnababu of he is not in a position to attend the Court regularly, liberty is available to the petitioner to approach the trial Court by filing an application under Section 205 Cr.P.C. for the learned Magistrate to hear and consider with necessary conditions.

Having regard to the above, the Criminal Petition is disposed of and it is left open to the petitioners to put forth their submissions during trial. Miscellaneous petitions, if any, pending shall stand closed.

(Dr. B.SIVA SANKARA RAO, J)

16th August 2017
RRB