

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

CRIMINAL PETITION No.6915 OF 2017

ORDER:

Heard learned counsel for the petitioners/accused in C.C.No.06 of 2017 on the file of the Additional Judicial First Class Magistrate at Ramachandrapuram, East Godavari District, for the offence punishable under Section 138 N.I.Act, outcome of a private complaint of the 1st respondent and also the learned public prosecutor, representing the 2nd respondent – State, before ordering notice to 1st respondent.

2. Perused the grounds urged and also the private complaint and the other material on record.

3. The fact that cheque routed from the account of the petitioners not in dispute so also the cheque bears the signature of the 2nd accused, representing the 1st accused entity. Once such is the case, several contentions raised in the grounds with the supporting material is only serving as a part of defence to establish that there is no legally enforceable debt.

4. Having regard to the above, by left open all available defences to urge before the trial court, this criminal petition is disposed of, for nothing to interdict the trial. Needless to say,

if at all one to represent the others, the petitioners will at liberty to invoke Rule 37 of Criminal Rules of Practice and if at all wants to appear through advocate as Special Vakalat holder, liberty given to file application under Section 205 Cr.P.C. for the learned Magistrate to consider on own merits.

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

DR.B.SIVA SANKARA RAO, J

08.08.2017
SS

