

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.2970 OF 2017

ORDER:

The present Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Code') requesting to quash the proceedings in Calendar Case No.322 of 2009, on the file of II Additional Chief Metropolitan Magistrate at Visakhapatnam, Andhra Pradesh.

2. The petitioner is arraigned as sole accused in the aforesaid Calendar Case. He alleged to have committed the offence punishable under Section 138 read with 142 of the Negotiable Instruments Act, 1881.

3. Heard Sri K. Purushotham, learned counsel for the petitioner and the learned Additional Public Prosecutor for the State of Andhra Pradesh.

4. The submission of the learned counsel for the petitioner is that one K. Jagannadha Rao is a friend of brother of the petitioner and out of the said acquaintance, the said Jagannadha Rao used to visit the petitioner's house frequently and on one occasion, the said Jagannadha Rao has taken the cheque book of the petitioner without his knowledge and got filled the blanks on the cheque and got it presented through respondent No.2 herein, who is complainant in the aforesaid case, in his bank and signatures on the alleged cheques also

do not belong to the petitioner and signatures of the petitioners are forged and respondent No.2 got filed the criminal case against him on the basis of forged cheques. Certain other submissions have also been made as to the service of notice etc.

5. Be that as it may, the defence now agitated relates to disputed questions of facts, which cannot be probed into by conducting a roving inquiry in an application under Section 482 of the Code. Therefore, the present Criminal Petition is dismissed, leaving it open to the petitioner to agitate the defence during trial. As a sequel thereto, miscellaneous petitions, if any, pending in the petition stand closed.

April 12, 2017.
Mgr

A. SHANKAR NARAYANA, J

