

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

CRIMINAL PETITION No.9571 OF 2017

ORDER:

Heard learned counsel for the petitioner/accused of C.C.No.111 of 2015, pending on the file of learned Judicial Magistrate of First Class, Hindupur. The said calendar case is outcome of the private complaint of the 2nd respondent – for the offence punishable under Section 138 N.I.Act.

2. During trial, on the application in CrI.M.P.No.358 of 2017, dated 18.07.2017, filed by the complainant, where the counsel for accused received notice and endorsed on even date, after hearing, as per the material papers page Nos.16 and 17, the learned Magistrate on 21.07.2017 on merits allowed the application to summon the Bank Manager. The prayer in the petition is to summon the Bank Manager of the Union Bank of India, Kirikera Branch, Hindupur. It is from summoning of the Bank Manager, examined as P.W.2 on 03.08.2017, on that day one Mr.Gopal Krishna, advocate, representing the advocate on record for accused Sri Sampath Kumar, sought for time for cross-examination of the witness. It was posted to 10.08.2017 and on that day, the cross-examination was on behalf of the accused was conducted of the Branch Manager P.W.2 by said Sampath Kumar, counsel for accused, once such is the case, the contentions in the impugment of allowing the petition and recording the

evidence are baseless and untenable. Hence, the petition is to be dismissed for nothing to go into the merits of the petition to summon the Bank Manager allowed as even after allowing after hearing the Manager was examined and time for cross-examination granted and cross-examined. Needless to say, any defense of the accused by virtue of that evidence no way takes away, it is left open to urge before the trial court on the contention that these cheques were not issued and those were blank cheques misused.

3. Accordingly and with the above observation, this criminal petition is disposed of. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

12.10.2017
SS

DR.B.SIVA SANKARA RAO, J