

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

CRIMINAL PETITION No.8585 OF 2017

ORDER:

Heard learned counsel for the petitioner/A2 and also heard Ms.Katta Sravya, advocate, representing Sri K.Lakshmi Prasad, learned counsel, who filed vakalat for the 2nd respondent – complainant of the private complaint case of the year 2012, where the learned Magistrate has taken cognizance for dishonour of the cheque, said to have been issued by A1, represented by the petitioner/A2 as Managing Director and returned dishonoured.

2. Perused the grounds urged in the quash petition and the private complaint contents.

3. As also pointed out by the counsel for petitioner of the case pending now before the XXIII Special Magistrate, Erramanzil, as C.C.No.182/2015, the disputed questions as to there is a legally enforceable debt and other liability or not is a matter to be adjudicated in trial and there is nothing to interdict the trial by admitting the application much less to quash.

4. Having regard to the above, there is nothing to keep the application pending, but for to give disposal by directing the learned Magistrate to permit the petitioner to surrender before the court pursuant to the NBW pending by its recall and obtain bonds as contemplated by Section 88 Cr.P.C., with or without sureties, as the case may be, for his future due appearance to conduct the trial after examination under Section 251 Cr.P.C.

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

14.09.2017
SS

DR.B.SIVA SANKARA RAO, J

