

THE HON' BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.672 of 2017

ORDER:

The present petition, under Section 482 of the Code of Criminal Procedure, is filed by the petitioner/ Accused to quash the proceedings in C.C.No.200 of 2016 on the file of III Special Magistrate, Cyberabad at Hastinapuram.

Sri Kiran Palakurthi, learned counsel for the petitioner, submits that there is no legally enforceable debt and the document, on the basis of which the alleged legally enforceable debt is pressed into service, is nothing, but a bond and, therefore, the very prosecution is not maintainable. It is also his submission that the said bond is a fabricated document, but, however, fairly admits that the fabrication of the said document can only be examined during trial.

The defence that the document, basing on which the debt is said to be legally enforceable, is a fabricated document can be asserted during trial and, therefore, there is no merit in the present petition.

At this stage, learned counsel for the petitioner would submit that the petitioner has got a small child and it would be difficult for her to go to Hastinapuram from Warangal, where she is

residing, and, therefore, sought to exempt her appearance during the pendency of the proceedings before the Court below, but, however, such a request can be made by invoking the relevant provisions under the Criminal Rules of Practice.

Accordingly, the Criminal Petition is dismissed at the stage of admission itself.

Miscellaneous applications, if any pending in the present petition, stand closed.

31.01.2017
v v

JUSTICE A. SHANKAR NARAYANA

