

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.8914 of 2017

ORDER:

This Criminal Petition is filed, under Section 482 of the Code of Criminal Procedure, 1973, to quash the proceedings in C.C.No.323 of 2014 pending on the file of the I Additional Judicial Magistrate of First Class, Tadepalligudem, for the offences punishable under Section 138 of the Negotiable Instruments Act, 1881.

2. Though various grounds are urged in this petition, after arguing the matter for a while, the counsel for the petitioner submits that the Non-Bailable Warrant (NBW) issued by the Magistrate is pending against the petitioner and requested this Court to permit the petitioner to file appropriate application for recall and also to issue a direction to the Magistrate to dispose of the petition on the same day.

3. In view of the request of the counsel for the petitioner, without touching the merits of the petition, I deem it appropriate to permit the petitioner to file an application under Section 170(2) of the Cr.P.C. to recall NBW pending against him before the concerned Magistrate and if any such application is filed after serving notice on the complainant/respondent, the Judicial Magistrate of First Class, Tadepalligudem is directed to decide the application on the same day.

With the above direction, the Criminal Petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE M.SATYANARAYANA MURTHY

September 22, 2017
Lmv