

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

CRIMINAL PETITION No.9556 OF 2017

ORDER:

Heard learned counsel for the petitioner/accused of C.C.No.273 of 2016, pending on the file of III Additional Judicial I Class Magistrate Court, Rajahmundry, East Godavari District, which is outcome of the private complaint of the 2nd respondent and perused the private complaint and the grounds urged in the quash petition, seeking to quash the said cognizance proceedings of the said private complaint is for the offence punishable under Section 138 N.I.Act, for the dishonour of the cheque bearing No.984507, drawn on Andhra Bank by the accused in favour of the complaint allegedly on 09.03.2016.

2. The contention of the counsel for the petitioner/accused is that in relation to a chit transaction, it was taken in advance long back and as a security and there is no legally enforceable debt. He is not disputing the cheque routed from his account nor even the signature on the cheque. Once such is the case, there is nothing to admit the application, much less, to interdict the trial, but for any such defense is left open including of the so-called non-mention of the arbitration proceedings, stated pending in Guntur, in the cheque dishonour private complaint or sworn statement, if at all there is any relevancy of mentioning and its implication for

the trial court during trial to consider as parted from such defense of the accused. Hence, without prejudice to the said defense, this criminal petition is disposed of, for nothing to interdict the trial, but for to say, from the difficulty expressed to attend the Court all the way from Guntur, petitioner is given liberty to file application under Section 205 Cr.P.C., before learned Magistrate with notice to the complainant or counsel for the complainant, for the learned Magistrate to hear and consider with necessary conditions of personal appearance as and when required.

3. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

12.10.2017
SS

DR.B.SIVA SANKARA RAO, J

