

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.7907 OF 2017

ORDER:

This Criminal Petition is filed by the petitioner/ accused under Section 482 Cr.P.C. to recall N.B.W. dated 22.08.2017 issued against him in C.C.No.400 of 2014 by the VII Special Magistrate, Erramanzil, Hyderabad.

Heard learned counsel for the petitioner/accused and learned Public Prosecutor representing the State before ordering notice to respondent No.1/complainant.

In fact, the trial Court delivered the conviction judgment on 22.08.2017 against the petitioner/accused, which is outcome of the private complaint of respondent No.1 registered for the offence punishable under Section 138 of the Negotiable Instruments Act (for short 'the Act'). On the date of judgment, the petitioner/ accused stated could not attend the Court, dismissed the application and pronounced the judgment. The remedy of the petitioner is to file an appeal and ask for suspension of sentence as contemplated by Section 389 Cr.P.C. in an appeal to be filed under Section 386 r/ w 390 Cr.P.C.

Having regard to the above, there is nothing to entertain the application, but for, to suspend the operation of the said conviction warrant issued by the trial Court for a period of 15 days from today, to obtain if at all any suspension of sentence by filing appeal in the meantime with necessary conditions.

Accordingly, the Criminal Petition is disposed of.

Miscellaneous petitions pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 18-09-2017

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