

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.1022 of 2017

ORDER :

The present petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C.') challenging the order dated 24.01.2017 in Criminal Revision Petition No.71 of 2016 on the file of the Principal Sessions Judge, Kurnool.

2. The petitioner, who is accused, is alleged to have committed an offence punishable 138 of the N.I.Act offence. It appears, when the trial was being conducted, the de facto complainant sought to introduce the promissory note, which gave rise to issue of cheque, by filing a petition in CrI.M.P.No.1142 of 2016 in C.C.No.392 of 2015 under Section 311 of Cr.P.C. The said petition was allowed on 01.08.2016 by the learned Judicial Magistrate of First Class, Special Mobile Court, Kurnool. When it was challenged by the petitioner before the Revisional Court, the learned Principal Sessions Judge, Kurnool, confirmed the order of the learned Magistrate. The petition filed under Section 311 Cr.P.C. is resisted to by the accused on the ground that the promissory note was time barred one and there cannot be any legally enforceable debt existing on the date of filing of the complaint.

3. Sri K.V. Raghuveer, learned counsel for the petitioner-accused, would once again agitate the very same ground. In fact, he has drawn attention to the observations made by the revisional Court in paragraph '9'.

4. The observation of the Revisional Court in paragraph '9' would clearly show that the promissory note was executed on 09.12.2012 and the private complaint was filed on 17.6.2013 and held that the debt under promissory note is not a time barred debt.

5. So far as other contentions are concerned, which the petitioner raised, the same can be agitated during the course of arguments in the calender case. There is no merit in the present petition.

6. Learned counsel argued that the ingredients of Section 294 Cr.P.C. were not considered. It is needless to mention, when the objection is that the promissory note, which is sought to be introduced, is time barred and there is no legally enforceable debt is incorrect, the other things need no advertence.

7. Accordingly, the criminal petition is dismissed at admission stage.

8. Miscellaneous petitions pending, if any, shall stand dismissed.

A. SHANKAR NARAYANA, J

7th February 2017.

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