

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

Criminal Petition No.8040 of 2017

ORDER:

The petitioner is the sole accused of C.C.No.1501 of 2015 on the file of the Judl.Magistrate of First Class, Kurnool, where the learned Magistrate has taken cognizance for the offence u/sec.138 of the Negotiable Instruments Act(for short, 'the Act') on the complaint of the 2nd respondent/complainant, for dishonour of the cheque bearing No. 769754, dt.11.07.2011 for Rs.15,00,000/- in question from the dishonour and after statutory notice on the accrual of cause of action, for which the complainant filed the complaint.

It is the contention that there is no legally enforceable debt and there is no statutory notice and the crime is not sustainable.

In fact, the contentions raised by the learned counsel for the petitioner are to be adjudicated during trial. Hence, there is nothing to interfere to interdict the trial proceedings but for left open such defences including any dispensing of presence to consider by the learned Magistrate in the event of petitioner's filing Sec.205Cr.P.C. to represent through special vakalath holder but for personal appearance as and when required, if any.

Accordingly and in the result, the Criminal Petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 04.09.2017

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