

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

CRIMINAL PETITION No.9720 OF 2017

ORDER:

Heard learned counsel for the petitioner/accused of C.C.No.174 of 2017, pending on the file of Judicial Magistrate of First Class, Rajampet, for the offence punishable under Section 138 N.I.Act, taken cognizance on the private complaint of the 2nd respondent by the learned Magistrate.

2. Heard the learned counsel for the petitioner and also the learned public prosecutor, representing the 1st respondent – State, before ordering notice to the 2nd respondent – defacto complainant and perused the grounds urged in the quash petition, the private complaint and other material on record.

3. The contention that there is no legally enforceable debt or other liability within the meaning of Section 138 r/w 139 N.I.Act is a fact requires trial, thereby, it is premature to make any expression of opinion on merits, much less, to keep the matter pending by ordering notice to the 2nd respondent. Hence, this criminal petition is disposed of, by left open all defenses to urge before the trial court.

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

DR.B.SIVA SANKARA RAO, J

24.10.2017
SS