

HON' BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.16773 OF 2016

ORDER:

The present petition is filed under Section 482 of the Code of Criminal Procedure, 1973, requesting to quash the proceedings in C.C. No.193 of 2016 on the file of the XXIII Special Magistrate, Erra Manzil, Hyderabad.

Heard Sri Bussa Rajendra, learned counsel for the petitioner.

The C.C. was registered for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881. Initially, it was registered as C.C. No.2029 of 2015 on the file of the III Additional Chief Metropolitan Magistrate at Nampally, Hyderabad and later it was transferred to XXIII Special Magistrate, Erra Manzil, Hyderabad, and renumbered as C.C. No.193 of 2016.

The main submission of the learned counsel is, that the complainant, who is respondent No.1 herein, initially issued a notice on 2.3.2015 in the context of cheque being bounced when presented by him and kept quiet even after the prescribed time was over and then again got issued another notice on 16.4.2015 and initiated action basing on the second notice which, according to the learned counsel, is impermissible and, therefore, the proceedings deserve to be quashed.

The learned counsel, of course, has not placed reliance on any of the authorities. Even otherwise, when C.C. is coming up for trial, as the examination has already been completed by the Court, it is for the petitioner to agitate the contravention or the defect, if any, now alleged, and not a fit case to quash the proceedings.

Therefore, the Criminal Petition is dismissed. As a sequel thereto, Miscellaneous Petitions, if any, pending in the petition, stand closed.

January 17, 2017.
Mgr

A. SHANKAR NARAYANA, J

