

THE HON'BLE SRI JUSTICE M. SATYANARAYANA

MURTHY

Crl.P.No.11774 of 2017

ORDER

This petition is filed under Section 482 Cr.P.C., to quash the proceedings in C.C.No.265 of 2017 pending on the file of XXV Special Magistrate, Erramanzil, Hyderabad, for the offence punishable under Section 138 of the Negotiable Instruments Act on various grounds.

During hearing, learned counsel for the petitioner requested this Court to dispense with the appearance of the petitioner before the trial Court on the date of adjournment and placed judgment of the Apex Court in **M/s Meters and Instruments Private Ltd and another v Kanchan Mehta** (Crl.A.No.1731 of 2017, dated 05.10.2017) by exercising power under Section 205 Cr.P.C., without touching the merits of the Case.

In the above judgment, the Apex Court relied on the judgment in **Bhaskar Industries Ltd. V Bhiwani Denim and Apparels Ltd.**¹, wherein the Court dispensed with the appearance of the petitioner in an application filed under Section 205 Cr.P.C. But in **M/s Meters and Instruments Private Ltd and another's** case referred supra, an observation was made that only if the accused contests, need for appearance of parties may arise which may be through counsel and wherever viable, video conferencing can be used

¹ (2001) 7 SCC 401

and that personal appearances can be dispensed with on suitable self operating conditions and that this is a matter to be considered by the High Courts and wherever viable, appropriate directions can be issued.

In the absence of any application under Section 205 Cr.P.C., it is difficult to exercise such power to dispense with the appearance of the parties before the Court. However, the petitioner is permitted to file appropriate application under Section 205 Cr.P.C. and the trial Court is directed to dispose of the said application within 15 days from the date of receipt of a copy of this order following the principles laid down in **M/s Meters and Instruments Private Ltd** and **Bhaskar Industries Ltd.** cases referred supra.

With the above direction, the criminal petition is disposed of.

Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

M. SATYANARAYANA MURTHY, J

29th November, 2017
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