

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO.971 OF 2018

ORDER:

This petition is filed by the petitioner-accused under Section 482 Cr.P.C. to quash the docket order, dated 28.11.2017 in CrI.M.P.No.2993 of 2017 in C.C.No.113 of 2015 on the file of the I Special Magistrate, Malkajgiri.

2. Heard learned counsel for the petitioner, learned Assistant Public Prosecutor representing the State and perused the record.

3. Learned counsel for the petitioner would submit that the petitioner filed re-call petition before the trial Court under Section 70 (2) Cr.P.C. The petitioner was not present when the re-call petition was filed. The said petition was dismissed by the trial Court, vide order, dated 28.11.2017. He further submits that the petitioner has been suffering from ill-health. Therefore, she could not appear before the trial Court.

4. As per the record, N.B.Ws was issued on 17.04.2017 in a cheque bounce case punishable under Section 138 of the Negotiable Instruments Act. If the petitioner was suffering from ill-health, she has to inform the same to her counsel to proceed with the enquiry. But, she did not choose to do so. It appears that the petitioner intends to protract the proceedings for the reasons best known to her. Filing an application before the trial Court to re-call N.B.Ws. without her appearance also reflects the conduct of the petitioner. Under these circumstances, the petition is devoid of merit and is liable to be dismissed.

5. Accordingly, the Criminal Petition is dismissed. Miscellaneous petitions, if any pending in this Criminal Petition shall stand closed.

DR.SHAMEEM AKTHER, J

DATED: 31-01-2018.

Hsd

