

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.2153 of 2018

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. to quash docket order, dated 20.10.2016, passed in C.C.No.582 of 2015, by learned III Metropolitan Magistrate, Visakhapatnam, issuing Non-Bailable Warrants (N.B.Ws.) against the petitioner.

2. Heard learned counsel for the petitioner and learned Public Prosecutor and perused the record.

3. The learned counsel for the petitioner submits that the petitioner is not aware of the impugned proceedings in C.C.No.582 of 2015 and he is ready to face the trial.

4. As seen from the material on record, already statutory notice was served to the petitioner and thereafter, a cheque bounce case was filed, which is registered as C.C.No.582 of 2015 and the same is pending for appearance of the petitioner. A perusal of the impugned order shows that there is a specific mentioned therein that the notice sent through registered post with acknowledgement due (RPAD) to the petitioner was not claimed by him and the Court below held that it was a deemed service and issued N.B.Ws. on 20.10.2016. Thereafter, an Advocate Commissioner was appointed to execute the N.B.Ws. There is nothing wrong in the passing of the impugned order. It appears that the petitioner has deliberately evaded service of notice to avoid appearance before the Court below.

5. This Criminal Petition is devoid of merits and is, accordingly, dismissed.

6. Miscellaneous petitions, if any, pending in this Criminal Petition shall stand closed.

DR. SHAMEEM AKTHER,J

22nd February, 2018
GHN