

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NOS.4504 and 4507 OF 2018

COMMON ORDER:

These criminal petitions are filed under Section 482 of Criminal Procedure Code (for short "Cr.P.C.") to quash the proceedings in S.T.C.No.33 of 2009 and S.T.C.No.50 of 2009 on the file of the Judicial First Class Magistrate, Madanapalle, Chittoor District, registered for the offence punishable under Section 138 of Negotiable Instruments Act.

The petitioner is one and the same in both the petitions. Learned counsel for the petitioner requested this Court to dispense with the appearance of the petitioner before the trial Court as the petitioner is aged '73' years.

This Court cannot issue such direction while exercising power under Section 482 of Cr.P.C. It is for the trial Court to decide whether the appearance of the petitioner is required or not. When similar issue came up before the Apex Court in "**M/s. Bhaskar Industries Ltd. vs. M/s. Bhiwani Denim and Apparels Ltd.**"¹, the Apex Court held that in a case registered for the offence punishable under Section 138 of Negotiable Instruments Act, the Court may dispense with the appearance of the accused, where his personal appearance is not necessary. Therefore, the petitioner is directed to file appropriate application before the Court concerned for appropriate relief and on filing such petition, the Court concerned is directed to dispose of the same in accordance with law, within a week from the date of filing the same.

¹ AIR 2001 SC 3625

With the above direction, the petitions are disposed of. No costs.

Consequently, miscellaneous petitions pending, if any, shall also stand dismissed.

JUSTICE M. SATYANARAYANA MURTHY

01.05.2018
Ksp

