

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

Criminal Petition No.4582 of 2016

ORDER :

The petitioner is the sole accused in S.T.C. No.142 of 2009 on the file of the learned I Additional Judicial Magistrate of First Class, Kadapa, which is outcome of the private complaint of respondent No.2 for the offence punishable under Section 138 of the Negotiable Instruments Act (for short, 'the Act') for dishonour of cheques i.e., (i) cheque bearing No.103846 dated 28.02.2007 for Rs.1.50 Crores (ii) cheque bearing No.103847 dated 31.03.2007 for Rs.1.50 Crores (iii) cheque bearing No.103848 dated 01.02.2008 for Rs.8.00 Crores, that were returned as dishonoured on the ground that "account closed" and even statutory notice sent returned as unclaimed, from deemed service taken cognizance.

2. A perusal of the private complaint, cognizance and the grounds urged in the quash petition no way enables the Court to entertain much less to admit even respondent No.2-complainant failed to attend despite the notice ordered and served, but for to face the trial.

3. Hence, this Criminal Petition is disposed of, for no grounds to admit by keeping the quash petition pending. If at all there is any presence of the petitioner dispensed with, the petitioner is given liberty to invoke Section 205 Cr.P.C. for the trial Court to consider. If at all there is any compromise, the parties can approach the trial Court. Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

30.10.2018
MVA