

HON'BLE SRI JUSTICE Dr. B. SIVA SANKARA RAO

CRIMINAL PETITION No.12235 of 2014

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C by the petitioner/ complainant, seeking to quash the order dated 01.08.2014 in CrI.MP.No.1556 of 2014 in C.C.No.23 of 2011 passed by the X Special Magistrate, Hyderabad.

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor representing the 1st respondent. The notices sent to respondent Nos.2 to 4 are returned as left, is a sufficient service.

3. The above C.C. is filed by the petitioner/ complainant herein under Section 138 of the Negotiable Instruments Act. When the said case, after trial, ripened the stage of arguments, the petitioner herein filed CrI.MP.No.1556 of 2014 for recall of PW.1 for the purpose of marking board resolution dated 09.04.2014 and the same was dismissed by the impugned order.

4. It is not even a case that board resolution already filed before the Court and it was received by the Court much less under Section 254(2) Cr.P.C. without filing an application to receive the document and without its receiving, the question of recall of PW.1 to mark an un-received document not before the Court does not arise and the same is not even drawn attention by the trial Court for dismissal of the said petition.

5. In view of the above, the Criminal Petition is disposed of giving liberty to the petitioner to file an appropriate petition before the trial Court within one week from the date of disposal of this order and the trial Court, after hearing both sides, shall dispose of the same within one week there from on its own merits.

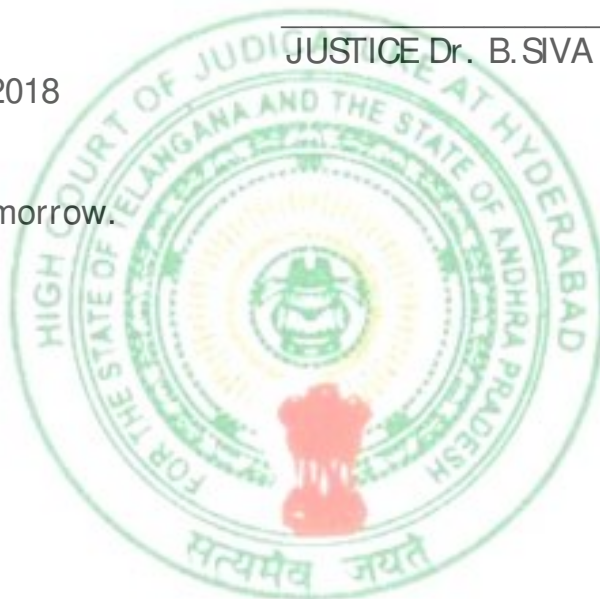
6. Consequently, miscellaneous petitions, if any shall stand closed.

Date: 23.10.2018

Note:

Issue C.C. tomorrow.

B/ o.
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