THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No. 6040 OF 2018

ORDER:

This petition is filed under Section 482 of the Code of Criminal Procedure (for short, 'Cr.P.C.') to quash the proceedings in C.C.No. 132 of 2016 on the file of the Court of learned Special Excise Magistrate, Ongole, Prakasam District (for short, 'the Court below'), registered for the offence punishable under Section 138 of N.I. Act.

2. After arguing the matter for awhile, learned counsel for the petitioner has requested this Court to dispense with the appearance of the petitioner before the Court below.

3. In a petition of the present nature, this Court cannot exercise the power under Section 205 of Cr.P.C. or Rule 37 of Criminal Rules of Practice to dispense with attendance of accused. However, in view of the innocuous relief claimed by learned counsel for the petitioner, without touching the merits of the case, I deem it appropriate to permit the petitioner to file an application under Section 205 of Cr.P.C. or Rule 37 of Criminal Rules of Practice before the Court below to dispense with his attendance and on filing such application, the Court below is directed to dispose of the same within a week in accordance with law.

4. With the above direction, the criminal petition is disposed of. Pending miscellaneous petitions, if any, in this criminal petition shall stand closed in consequence.

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Date: 14-06-2018. ***M.SATYANARAYANA MURTHY, J.***

JSK