

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.7101 OF 2018

ORDER:

This criminal petition is filed under Section 482 of Criminal Procedure Code (for short "Cr.P.C.") to quash the order, dated 09.01.2018 passed in C.C.No.246 of 2016 by the Court of Additional Judicial Magistrate of First Class, Gudiwada, Krishna District.

The petitioner is the accused in C.C.No.246 of 2016 for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881. On 05.01.2018, the petitioner was directed to execute a self bond for a sum of Rs.10,000/- with one surety and further directed to attend the court for furnishing copies under Section 207 Cr.P.C. and made clear that no further time would be granted. But on the subsequent dates of adjournments, petitioner did not appear. Therefore, the Magistrate issued NBW against this petitioner. The said order is now impugned in this petition on the ground that the petitioner wrongly noted the date of hearing for requirement of execution of bond as directed by the court and, therefore, he could not appear before the court on the date of hearing for execution of the self bond and for production of the surety.

During the hearing, the learned counsel for the petitioner requested to permit this petitioner to appear before the court and file an application under Section 70(2) Cr.P.C. with a direction to dispose of the petition on the same day.

In view of the request made by the counsel for the petitioner, without touching the merits of the case, I deem it appropriate to dispose of this petition with a direction to the Magistrate to dispose of the application, if any, filed under Section 70(2) Cr.P.C. on appearance of the petitioner before the Magistrate, after serving notice on the respondent, on the same day.

With the above directions, the criminal petition is disposed of. Consequently, miscellaneous applications, if any, shall stand closed.

JUSTICE M. SATYANARAYANA MURTHY

Dated:17.07.2018

SP

