

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.7867 OF 2018

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C by the petitioner/accused, seeking to quash the proceedings in C.C.No.123 of 2018 on the file of the Additional Judicial First Class Magistrate, Bhongir, where taken cognizance for the offences punishable under Section 138 of the Negotiable Instruments Act, based on the private complaint proceedings of the 2nd respondent for dishonour of the so called cheque No.125852 dated 30.08.2017.

2. In the quash petition, several contentions raised on very enforceability of the cheque and any subsistence of the legally enforceable debt etc. These are the matters for trial and premature to make any expression that too perse when it is not shown there is no cause of action or the complaint filed beyond the cause of action period to quash the same.

3. Hence, with the above observations by left open all defences, the petition, rather than dismissal, disposed of. So far as the inconvenience expressed of the personal appearance for every adjournment concerned, liberty is given to the petitioner to approach the trial Court under Section 205 Cr.P.C. to consider with necessary conditions.

4. Accordingly, the Criminal Petition is disposed of.

5. Miscellaneous petitions pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 29.10.2018
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