

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Crl.P.No.8262 of 2018

ORDER

This petition is filed under Section 482 Cr.P.C., by the petitioner/accused seeking to quash the docket order dated 19.04.2018 in C.C.No.71 of 2018 on the file of Judicial First Class Magistrate, Pulivendula, registered for the offences punishable under Sections 138 and 142 of Negotiable Instruments Act, issuing NBW against him.

2. Heard learned counsel for the petitioner/accused and the learned Public Prosecutor for the State of Andhra Pradesh.

3. During hearing, the main ground urged by the counsel for petitioner is that the Court below did not send notice to the address of the petitioner, but sent to the address where he was not residing and that on the basis of the return memo, the Court below issued NBW against the petitioner. He requested to permit the petitioner to appear before the Court below and file a petition for recall of NBW pending against him.

4. Acceding to the request of the counsel for the petitioner, the petitioner/accused is permitted to appear before the Court below and move an application under Section 70(2) of Cr.P.C., after serving notice on the counsel for the respondent, and on filing such application, the Court below is directed to dispose of the same on the same day in accordance with law. Till such time, the N.B.W. issued by the Court below shall be kept in abeyance.

4. With the above direction, the Criminal Petition is disposed of. Miscellaneous petitions, if any, pending in this petition shall stand dismissed.

M. SATYANARAYANA MURTHY, J

6th August, 2018

sj

