

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL REVISION CASE No.1875 of 2017

ORDER:

Heard Sri A. Jagan, learned counsel appearing for petitioner/ respondent/accused, Sri D. Hanumantha Rao, learned counsel for respondent No.1 and learned Additional Public Prosecutor for respondent No.2 and with their consent, the Criminal R.C is disposed of at the admission stage.

2. This Criminal R.C is filed by the petitioner/accused aggrieved by the order dated 19.6.2017 in CrI.M.P.No. 3229 of 2016 in C.C.No. 328 of 2010 passed by the learned First AJMFC, Warangal, permitting the respondent/complainant to file the cheque return memo which was not filed along with the complaint and it was said to be traced out later.

3. Both the learned counsel would submit that the original cheque return memo was marked as Ex. P-7 and now lying in the record.

4. The submission of the learned counsel for petitioner/accused is that the said original cheque return memo was not filed along with the complaint and therefore, taking cognizance of the Criminal Case itself is illegal. It is his further submission that the trial Court ought not to have permitted the respondent/complainant to introduce Ex. P-7 at later stage.

5. Be that as it may, both the learned counsel would agree that the right of the petitioner/accused to challenge the maintainability of the Criminal Case for not filing the original cheque return memo be preserved and the trial Court may consider the said aspect and pass appropriate orders in its judgment.

6. In view of the above submission, this Criminal Revision Case is disposed of with the observation that the petitioner/accused is at liberty to challenge the maintainability of Criminal Case for not filing the original cheque return memo at the time of filing of Criminal Case and the trial Court shall consider the said objection and also the arguments of both sides on that aspect and give a finding on merits at the time of passing the judgment in Criminal Case.

7. As a sequel there to, miscellaneous applications, pending if any, shall stand closed.

U.DURGA PRASAD RAO, J

Date: 27.02.2018
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