

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.8418 OF 2014

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C by the petitioner/accused, seeking to quash the order dated 26.06.2014 in CrI.MP.No.1589 of 2014 in C.C.No.172 of 2012 passed by the III Additional Judicial Magistrate of First Class, Rajahmundry, East Godavari District.

Heard learned counsel for the petitioner and learned Public Prosecutor appearing for the State and the learned counsel for respondent No.2/ de facto complainant and perused the material on record.

The above said C.C. is outcome of the private complaint of the 2nd respondent for dishonour of cheque. The present criminal petition is filed impugning the dismissal order in CrI.MP.No.1589 of 2014, which was filed to reopen the closed matter. In fact, out of four petitions covered by CrI.MP.Nos.1577, 1074 and 1167 of 2014, the revisions are filed in Criminal Revision Case Nos.1404, 1407 and 1408 of 2014. Instead of filing revision in this matter, application under Section 482 Cr.P.C. is filed. The said revisions were allowed by the common order of this Court on 23.07.2014 and the operative portion of the said order at para-11 reads as under:

“Accordingly, all the revisions are allowed to receive the documents and with a requirement of the lower Court to summon the said P.Yedukondalu as a defence witness on behalf of the accused to prove his case, needless to say if at all Section 154 of the Indian Evidence Act to be invoked that to be considered on own merits as per the settled expression of the Apex Court in Satpaul v. Delhi Administration (AIR 1976 SC 294) further needless to say the accused person must be given a week time from the date of receipt of this order, to deposit the amount before the lower Court required to be payable for meeting the expert evidence charges and also expert witness summoning required, if any.”

Having regard to the above once that operative portion of para-11 referred supra is very clear of the matter reopened by this Court pursuant to the directions, the Criminal Petition is closed and stay is vacated for no more orders required for the lower Court to proceed with the matter as per para-11 directions of the common order in Criminal Revision Case Nos.1404, 1407 and 1408 of 2014.

Miscellaneous petitions pending if any, shall stand closed.

Date: 13.11.2018
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Dr. B. SIVA SANKARA RAO, J

