

HON'BLE SRI JUSTICE Dr. B. SIVA SANKARA RAO

CRIMINAL PETITION No.12070 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.312 of 2018 on the file of the II Additional Chief Metropolitan Magistrate, Hyderabad, where taken cognizance for the offence punishable under Section 138 of the Negotiable Instruments Act.

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor representing the 1st respondent, before ordering notice to the 2nd respondent.

3. The grievance of the petitioner is that the trial Court issued NBW. The question of issuance of NBW arises for non-service of summons. Undisputedly, even taken the contention of no notice allegedly served on the petitioner, remedy is left open to the petitioner by virtue of this order, to appear personally before the learned Magistrate and file an application for recall of NBW under Section 70(2) Cr.P.C. for the learned Magistrate to consider after hearing including to obtain bond for future personal appearance as per Sections 89 and 88 Cr.P.C.

4. Accordingly, the Criminal Petition is disposed of.

5. Consequently, miscellaneous petitions, if any shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 14.11.2018
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