

THE HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.891 of 2019

ORDER :

Heard learned counsel for the petitioner/accused in C.C.No.159 of 2018 on the file of the learned VIII Special Magistrate, Cyberabad, and also learned Public Prosecutor, representing the State for the 1st respondent, before ordering notice to the 2nd respondent/complainant and perused the grounds urged and the private complaint for the offence under Section 138 of the Negotiable Instruments Act.

2. Several contentions raised in the grounds are involving the factual disputes. Thereby, it is left open to raise any defence or atleast to file an application under Section 251 Cr.P.C. before the trial Court to consider at the appropriate stage either before trial or during progress of the trial as laid down by the Apex Court in **Bhushan Kumar and another v. State (NCT of Delhi) and another**¹.

3. So far as the difficulty expressed for personal appearance for every adjournment concerned, liberty is left open to invoke the trial Court doors under Section 205 Cr.P.C. for hearing and passing appropriate orders including for personal appearance as and when required.

4. Accordingly, the criminal petition is disposed of.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

15th February 2019
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¹ (2012)s 5 SCC 424