

THE HONOURABLE JUSTICE G. SRI DEVI

Crl.P.No.5831 of 2019

ORDER

This petition is filed under Section 482 Cr.P.C., seeking to quash the docket order dated 05.08.2019 passed in Crl.M.P.No.1824 of 2019 in C.C.No.268 of 2017 by the learned XIV Special Magistrate, Hyderabad, Erramanzil.

2. The docket order dated 05.08.2019, reads as under:

“As the regular P.O. is on leave and hence the order, dated 26.06.2019 suo moto extended on the request of the respondent/accused till 27.08.2019”.

3. Learned counsel for the petitioner/accused contended that the 2nd respondent filed a complaint against the petitioner under Section 200 Cr.P.C., and the same was registered as C.C.No.268 of 2017 on the file of the XIV Special Magistrate, Hyderabad at Erramanzil, for the offence under Section 138 of Negotiable Instruments Act. He further submits that the trial Court while allowing the petition filed by the 2nd respondent to call for the original documents, imposed costs of Rs.500/- payable by the 2nd respondent on or before 09.07.2019, but the 2nd respondent failed to comply with the said order, and that by the order impugned, the trial Court extended the time by mentioning as if the petitioner/accused made such request and thereafter, reviewed the said order on 27.08.2019. He contended that the Magistrate cannot review his own order and the said docket orders are nothing but an abuse of process of law and are liable to be quashed.

4. Learned counsel for the 2nd respondent submits that the costs imposed by the trial Court have already been paid by the 2nd respondent.

5. In view of the compliance of the conditional order dated 26.06.2019, passed by the trial Court, by the 2nd respondent, the cause in the present criminal petition does not survive for adjudication. Hence, the Criminal Petition is dismissed as infructuous.

6. Miscellaneous petitions, if any pending in this criminal petition, shall stand closed.

12th November, 2019

sj

G. SRI DEVI, J

