

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.12219 OF 2018

ORDER:

The petitioner is the accused in C.C.No.141 of 2018, on the file of the XVIII Additional Chief Metropolitan Magistrate, Secunderabad, which is outcome of the private complaint of the 2nd respondent for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the N.I. Act').

2. Heard learned counsel for the petitioner and the learned Public Prosecutor for the 1st respondent State and perused the material on record.

3. The learned Magistrate taken cognizance from the accrual of cause of action as per the complainant after observing the statutory formalities under Sections 138 to 142 of the N.I. Act. The same is now impugned. There is no dispute of the cheque routed from the account of the petitioner/accused, leave about the signature on the cheque. Once such is the case, any dispute which requires on adducing evidence on facts is a matter before the trial Court and not for the Court to quash.

4. With these observations, the Criminal Petition, rather than dismissal, disposed of, by left open all the defences.

Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

DR.B.SIVA SANKARA RAO, J

Date: 29th January, 2019

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