



WEB COPY



Crl.M.P.Nos.5784 and 5786 of 2022
in
Crl.O.P.Nos.20557 and 20556 of 2017

Crl.M.P.No.5784 of 2022 in Crl.O.P.No.20557 of 2017
and
Crl.M.P.No.5786 of 2022 in Crl.O.P.No.20556 of 2017
M.NIRMAL KUMAR., J.

These petitions are filed by the petitioner who is the accused in Section 138 N.I.Act cases filed by the respondent in CC.Nos.27298 and 27299 of 2004.

2. The petitioner was convicted by the trial Court and he filed appeals in Crl.A.Nos.130 and 131 of 2017. He had also filed transfer petition in Tr.Crl.OP.Nos.20556 and 20557 of 2017, which were dismissed as withdrawn by this Court on 01.12.2021. At that time, this Court had given a direction to dispose of the appeal within a period of four months.

3. The learned counsel for the petitioner submits that there is a possibility of settlement. Further the respondent has retained his property, valued about Rs.10 Crores. The Execution Court order is also in his favour. The cheque amount involved is only Rs.10 lakhs and Rs.15 lakhs. Hence, sought for some time.

4. The learned counsel for the respondent opposed this petition and submitted that initially the petitioner was convicted by the trial Court on 07.10.2016, against which he had filed appeals in Crl.A.Nos.221 and 222 of



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2015 before the XV Additional Sessions Judge. On the submissions of the petitioner and finding that PW1 was not cross examined, the case was remanded back to the trial Court to give opportunity to the petitioner to cross examine PW1. Thereafter, upon completion of cross examination of PW1 in detail, the trial Court again convicted the petitioner by judgment dated 28.04.2017, against which the petitioner filed appeals in Crl.A.Nos.130 and 131 of 2017 which is now pending before the XIX Additional Sessions Judge. He further submitted that the petitioner is filing one petition or other and delaying the progress of the case.

5. The learned counsel for the petitioner at this stage request for withdrawing the petition.

6. Hence, these Criminal Miscellaneous Petitions are dismissed as withdrawn.

28.04.2022

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