

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

TUESDAY, THE TENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 261 OF 2023

Between:

Bandarupalli Venkatesh, S/o.Srinivasa Rao, Aged about Years,*Occ. Pvt. Employee, R/o.H.No.8-92, Gunturpally, Gurijala, Narsampet, Warangal Rural District.

...PETITIONER/ACCUSED

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court for the State of Telangana, At Hyderabad.
2. Chunchu Koteswar Rao, S/o. Satyanarayana Aged about 49 Years, Occ. Agriculture, R/o.H.N.1-62, Madhupuram Village, Mudigonda Mandal, Khammam District.

...RESPONDENT

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to call for the records in S.T.C.N.I No. 102 of 2021 on the file of III Additional Judicial Magistrate of First Class At Khammam and quash the same.

I.A. NO: 2 OF 2023

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to grant stay of all further proceedings including appearance of the petitioner herein/Accused in S.T.C.N.I. No. 102 of 2021 on the file of III Additional Judicial Magistrate of First Class At Khammam.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri R. GOPI MOHAN, Advocate for the Petitioner and the Public Prosecutor (TG/AP) on behalf of the Respondent No. 1 and none appeared for the Respondent No. 2

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.261 OF 2023

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioner-Accused to quash the proceedings against him in STC No.102 of 2021 pending on the file of III Additional Judicial First Class Magistrate at Khammam. The offences alleged against him are under Sections 138, 142 of N.I.Act.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent No.1 – State. Perused the record.

3. The petitioner herein is questioning his prosecution for the offence under Section 138 of N.I.Act., mainly on the ground that there is privity of contract and consequently there is no enforceable debt which is essential ingredient of Section 138 of N.I.Act. Since issuance of cheque and signature is admitted, all the facts can only be decided by the trial Court.

4. Thus, having regard to the facts and circumstances of the case, the attendance of the petitioner herein – Accused is dispensed with in STC No.102 of 2021 pending on the file of III Additional Judicial First Class Magistrate at Khammam, when represented by

his counsel on record. The attendance of the petitioner-Accused is dispensed with subject to filing an affidavit by the petitioner stating that in his absence the proceedings conducted by his counsel will not be disputed by him in any manner and also he shall not dispute his identity. However, the petitioner shall appear before the learned Magistrate as and when his presence is required. In the event of the petitioner failure to appear when the Court directs, this order dispensing his attendance would stand cancelled.

5. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications pending, if any, shall stand closed.

//TRUE COPY//

Sd/- R. KARTHIKEYAN
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The III Additional Judicial First Class Magistrate at Khammam.
2. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
3. One CC to SRI R. GOPI MOHAN, Advocate [OPUC]
4. Two CD Copies.

NJB

Pma.

HIGH COURT

KS,J

DATED:10/01/2023

ORDER

CRLP.No.261 of 2023



DISPOSING OF THE CRIMINAL PETITION.

⑦ pmc.
30/1/23.