

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

TUESDAY, THE FIFTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 2070 OF 2019

Between:

G. Sudhakar, S/o Ramakrishna, Aged 38 years, Occ Business, R/o Plot No.15, Ushodaya Colony, Phase-2, Near Usha Mullapudi Hospital, Gajula Ramaram, Quthbullapur, Ranga Reddy District.

...PETITIONER/ACCUSED

AND

1. State of Telangana, Rep., by its Public Prosecutor, High Court For the State of Telangana at Hyderabad
2. V.Upender Reddy Pedda Thirupathi Reddy, Aged Major, Occ - Business, R/o H.No.15-24-40/302, Road No.1. KPHB Colony, Balanagar, Hyderabad.

...RESPONDENTS/COMPLAINANTS

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 and set aside the Order dated 14/09/2016 passed in CrI.M.P.No. 1917 of 2016 in C.C.NO. 197 of 2016 on the file of II Special Magistrate, Ranga Reddy District at Kukatpally which was confirmed by order dated 15/11/2018 in CrI.R.P.No. 122 of 2016 on the file of XV Additional Sessions Judge, Ranga Reddy District at Kukatpally and allow the CrI.M.P.No. 1917 of 2016

I.A. NO: 2 OF 2019

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 in C.C.No. 197 of 2016 on the file of II Special Magistrate, Cyberabad at Kukatpally

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Papaiah Peddakula, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No.1 and of Respondent No.2 is not appears in personal or by Advocate.

The Court made the following: ORDER

HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.2070 OF 2019

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 seeking to set aside the order dt.14.09.2016 passed in CrI.M.P.No.1917 of 2016 in CC.No.197 of 2016 on the file of II Special Magistrate, Ranga Reddy District at Kukatpally which was confirmed by the XV Additional Session Judge, Ranga reddy District at Kukatpally in CrI.R.P.No.122 of 2016 dt.15.11.2018.

2. The petitioner filed this petition seeking discharge in the lower Court. The proceedings against the petitioner are under Section 138 of the Negotiable Instruments Act.

3. The ground taken by the petitioner is that in respect of the subject cheque issued, cheating case was also filed against the petitioner which is still pending.

4. Both the Courts below found that pendency of a case for cheating will not come in the way of prosecution under Section 138 of the Negotiable Instruments Act and it will not amount to double jeopardy.

5. The reason given by the Courts below is in accordance with law.

6. Accordingly, the Criminal Petition is dismissed.

Miscellaneous applications, if any, pending shall stand dismissed.

SD/- K.AMMAJI
ASSISTANT REGISTRAR

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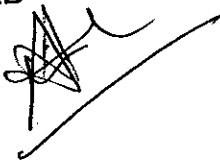
SECTION OFFICER

To,

1. The XV Additional Sessions Judge, Ranga Reddy District at Kukatpally
2. The Station House Officer, Kothur Police Station, Mahabubnagar.
3. One CC to Sri Papaiah Peddakula, Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court for the State of Telangana (OUT)
5. Two CD Copies

BJLB

NS

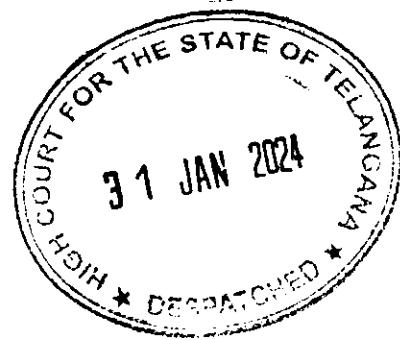


HIGH COURT

DATED:05/12/2023

ORDER

CRLP.No.2070 of 2019



CRIMINAL PETITION IS DISMISSED

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M. N. S.

20/1/2024