

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE THIRTY FIRST DAY OF AUGUST
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE Smt. JUSTICE G.ANUPAMA CHAKRAVARTHY

Criminal Petition No. 8379 of 2023

Between:

N.Vijay Raj, S/o. Late. Narayan Prasad, aged about 48 years, Occupation. Proprietor of Ratan Filling Station, R/o. 16-11-19/5/1, Saroornagar, Malakpet, Hyderabad - 500 036. Telangana State.

...Petitioner/Complainant.

AND

1. The State of Telangana, Represented by its Public Prosecutor, High Court for the State of Telangana, Hyderabad.
2. U. Sharat Babu, S/o U. Kutumba Rao, aged about 44 years, occupation. Business, R/o. H.No. 5-75/1, Vijaya Laxmi, Residency, Bhavani Nagar, Road No.9, Near Pochamma Temple, Dilsukhnagar, Hyderabad.

...Respondents/ Accused.

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 direct the VIII Metropolitan Magistrate, Manoranjan Complex, at Hyderabad to dispose of the case STC No. 2653 of 2021 within a reasonable time.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri T.Prasanna Kumar, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No.1 and of the Respondent No. 2 not appearing in person or through his counsel.

The Court made the following: **ORDER**

HON'BLE SMT. JUSTICE G. ANUPAMA CHAKRAVARTHY

CRIMINAL PETITION No.8379 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/complainant to direct the VIII Metropolitan Magistrate, Manoranjan Complex, Hyderabad, to dispose of STC No.2653 of 2021 within a reasonable time.

2. Heard learned counsel for the petitioner and Sri S.Ganesh, learned Assistant Public Prosecutor for respondent No.1 – State. Perused the record.

3. The brief facts of the case are that the petitioner and respondent No.2 are close friends and out of their friendship, respondent No.2 has approached the petitioner for a hand loan of Rs.5,00,000/- for medical treatment of his mother and promised to repay the said loan amount within 10 days and when the petitioner demanded to repay the said loan amount, respondent No.2 again requested

further hand loan of Rs.4,00,000/- and promised to return the total amount of Rs.9,00,000/- within a period of three months. After several requests, respondent No.2 issued a cheque of Rs.9,00,000/- on 22.10.2021 drawn on HDFC Bank, Chaitanyapuri Branch, *vide* cheque No.979996. But the said cheque was dishonored with the endorsement "signature differs". Being aggrieved by the same, statutory legal notice has been issued to respondent No.2 and later, a complaint has been filed in S.T.C. No.2653 of 2021 before the VIII Metropolitan Magistrate, Manoranjan Complex, Hyderabad.

4. Learned counsel for the petitioner contended that though as per the procedure, the S.T.C has to be disposed of within six (6) months from the date of institution, the trial Court is still proceeding with the case stating that the presence of respondent No.2 could not be secured and therefore, NBW was issued against him, as he was intentionally avoiding to attend the Court proceedings. The said NBW was executed by the Station House Officer, Chaitanyapuri Police Station, Rachakonda. Therefore, he

prayed to direct the trial Court to dispose of the matter at the earliest possible.

5. Taking into consideration the fact that the case is filed under Section 138 of Negotiable Instruments Act, the trial Court is directed to try the case on day-to-day basis and dispose of the same within a period of three (3) months from the date of receipt of a copy of this order.

6. With the above observation, the Criminal Petition is disposed of.

Miscellaneous applications pending, if any, shall stand closed.

SD/- K VENKAIAH
ASSISTANT REGISTRAR
SECTION OFFICER

//TRUE COPY//

To,

1. The VIII Metropolitan Magistrate, Manoranjan Complex, at Hyderabad.
2. One CC to Sri T.Prasanna Kumar, Advocate [OPUC]
3. One CC to the Public Prosecutor, High Court Buildings, Hyderabad OPUC].
4. Two CD Copies.

JCK
ADK

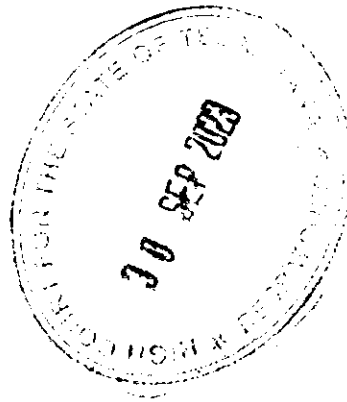


HIGH COURT

DATED:31/08/2023

ORDER

CRLP.No.8379 of 2023



DISPOSING OF THE CRIMINAL PETITION.

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JLH
29/9/2023