

IN HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE TWENTY SIXTH DAY OF JUNE
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL APPEAL NO: 514 OF 2023

Criminal Appeal Under Section 378(4) of CrI.P.C against the Judgment Dated 14-5-2007 in C.C.No. 706 OF 2001 on the file of the Court of the XIV Additional Chief Metropolitan Magistrate at Hyderabad.

Between:

Bharat Bijlee Ltd, Regional office at Bangalore Branch at Secunderabad Rep.by Mr.T.Ravi, S/o.T.N.Murthy, aged 43 years, R/o.Nacharam, Hyderabad

...PETITIONER/RESPONDENT/COMPLAINANT

AND

1. M/s Bhagawathi Motors, 4-3-81 /A, Hills Street, Secunderabad, Rep.by Jagadeesh Singh
2. Jagadeesh Singh, S/o Ramakaran Singh, aged 51 years, Occ. Private Service, R/o 4-3-81/A, Hills Street, Nacharam. Hyderabad

...RESPONDENT/APPELLANT/ACCUSED

3. State of A.P., Rep.by its Public Prosecutor, A.P High Court, Hyderabad

...RESPONENT

Counsel for the Appellant :SRI. K. RAGHAVENDRA RAO

Counsel for the Respondents: PUBLIC PROSECUTOR

The Court made the following:

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL APPEAL No.514 OF 2023

JUDGMENT:

1. Learned counsel appearing for the complainant would submit that the accused are not available to serve notice. Having gone through the record, acquittal was recorded on the ground that the complainant failed to prove that the statement of accused filed by them was not proved to substantiate that there was any outstanding on the cheque. Further, the evidence of P.W.2 was not convincing, since he was not aware as to who received the disputed cheque and he does not know anything about the transactions. The Court further found that the complainant failed to examine the complicity of role of A-2 that he was responsible on behalf of the company. Further, the Court also found that notice was not served on the accused.

2. I do not find any infirmity with the findings of the learned Sessions Judge in acquitting the accused when it was found that that the complainant failed to prove the liability though statement of accused was filed. Further, the notice was not served on the accused which is mandatory to prosecute an

accused for the offence under Section 138 of the Negotiable Instruments Act, 1881.

3. Accordingly, there are no grounds to interfere with the order of acquittal and the Criminal Appeal is dismissed.

Miscellaneous applications pending, if any, shall stand closed.

Sd/- I. NAGA LAKSHMI
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XIV Additional Chief Metropolitan Magistrate at Hyderabad.
2. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad(OUT).
3. One CC to SRI. K. RAGHAVENDRA RAO, Advocate [OPUC]
4. Two CD Copies

DL

§

HIGH COURT

DATED:26/06/2023

JUDGMENT

CRLA.No.514 of 2023



DIMISSING THE CRIMINAL APPEAL

7 copies
SM
4/8/23