

Sri B.B. Annappa vs Sri P Louis

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Court : Karnataka Orders

Decided On : Jul-29-2024

Judge : M G UMA

Appeal No. : CRL.P/9025/2018

Appellant : Sri B.B. Annappa

Respondent : Sri P Louis

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF JULY, 2024 BEFORE THE HON'BLE
MRS JUSTICE M G UMA CRIMINAL PETITION NO. 9025 OF 2018
BETWEEN: SRI. B.B.ANNAPPA S/O. LATE BABU AGED ABOUT 56
YEARS R/AT KUDUMANGALURU VILLAGE KUDIGE POST,
KUSHALANAGARA HOBLI KODAGU DISTRICT-571 234. PETITIONER
(BY SRI. PANCHAM R.D., ADVOCATE) AND:

SRI. P. LOUIS S/O. POUL D' SOUZA AGED ABOUT 34 YEARS R/AT KALLUR-
ANDAGOVE VILLAGE Digitally signed SUNTICOPPA HOBLI by NANDINI B G
Location: high court of KODAGU DISTRICT-571 236. karnataka RESPONDENT

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 CR.P.C PRAYING TO QUASH THE ORDER DATED 10.09.2018, PASSED BY THE CIVIL JUDGE AND J.M.F.C., KUSHALNAGAR, IN C.C.NO.871/2017 AND TO RESTORE THE SAME TO ITS FILE. THIS CRIMINAL PETITION COMING ON FOR ORDERS THIS DAY, ORDER WAS MADE THEREIN AS UNDER: CORAM: HON'BLE MRS JUSTICE M G UMA -2-

ORAL ORDER

The petitioner being complainant is seeking to quash the

order dated 10.09.2018 passed in CC No.871 of 2017 on the

file of the learned Civil Judge and JMFC, Kushalnagar, dismissing the complaint for non prosecution and discharging the accused for the offence punishable under Section 138 of Negotiable Instruments Act.

2. The petitioner seeks restoration of the complaint

before the Trial Court for trial. The order sheet of the Trial Court produced by the petitioner discloses that the complainant was very irregular before the Trial Court as he remained absent almost on all the dates of hearing and has not taken steps against the accused. Noting the absence of the complainant continuously, the Trial Court proceeded to dismiss the complaint and discharged the accused.

3. The cheque in question is dated 01.03.2017 said to

have been issued by the accused for Rs.3,00,000/- towards repayment of loan taken by him, during December, 2014. The cheque in question was dishonored with an endorsement as funds insufficient. The legal notice sent to the accused was never served as addressee had gone abroad. However, it is -3- contended by the petitioner that accused has intentionally avoided the service of notice. But the fact remains that the accused could not be served even before the Trial Court and before this Court. The complaint which was filed on 21.04.2017 was pending till the date of its dismissal on 10.09.2018 for taking steps against the accused. In view of the above, I am of the opinion that there are no reasons to entertain the

petition. I do not see any illegality or perversity in the order. I also do not see any chance of service of notice on the respondent. Hence, the petition is dismissed.
Sd/- JUDGE BGN List No.: 1 SI No.: 3

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