

THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.R.C.No.2897 of 2015

ORDER

The present criminal revision case is directed against the judgment dated 15.09.2015 passed in Crl.A.No.257 of 2014 by the learned VII Additional District and Sessions Judge, West Godavari Division, Eluru.

2. The petitioner herein filed D.V.C.No.29 of 2012 on the file of the Judicial Magistrate of First Class (Special Mobile Court), Eluru against the first respondent herein. During the pendency of said DVC., the petitioner filed Crl.M.P.No.6304 of 2014 seeking to amend the complaint in the DVC by inserting certain prayers. By order dated 02.12.2014, the trial Court allowed the said petition permitting her to amend the complaint. Aggrieved by the same, the first respondent filed Crl.A.No.257 of 2014. By the judgment impugned, the appellate Court allowed the said appeal reversing the findings of the trial Court observing that there is no specific provision for amendment of complaints in the Code of Criminal Procedure. Challenging the same, the petitioner/complainant filed the present revision.

3. Heard and perused the material on record.

4. The trial Court while allowing the petition observed that under Order VI Rule 17 CPC, for the purpose of determining the real matters in controversy and to prevent multiplicity of litigation, the amendment can be allowed, whereas the appellate Court observed that in Domestic Violence Act, there is no provision to amend the prayer in the complaint and so also in the Code of

Criminal Procedure, there is no specific provision for amendment of complaints. Be that as it may, since the DVC is of the year 2012 and in view of subsequent escalation of prices and in order to avoid multiplicity of litigations, this Court is of the view that the trial Court has rightly allowed the petition for amendment as sought for by the petitioner. In view of the same, the impugned judgment passed by the appellate Court is liable to set aside and is accordingly set aside confirming the order of the trial Court. The trial Court is directed to proceed with the matter in accordance with law and dispose of the same as expeditiously as possible.

5. Accordingly, the Criminal Revision Case is disposed of. Miscellaneous Petitions, if any, pending in this revision shall stand closed.

JUSTICE RAJA ELANGO

26th November, 2015

sj