

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.10045 of 2015

ORDER :

This Criminal Petition is filed by the Petitioner/ accused under Section 482 Cr.P.C seeking to quash the order dated 22.08.2015 passed in CrI.R.P. No.55 of 2015 in C.C. No.122 of 2014 on the file of XIII Additional District & Sessions Judge, Ranga Reddy District, the said calender case is outcome of private complaint of 2nd respondent—de facto complainant for the offence under Section 138 N.I Act that was taken cognizance by the learned Magistrate.

2) Heard learned counsel for the petitioner/ accused as well as 1st respondent—State represented by learned Public Prosecutor before admission and before ordering notice to 2nd respondent—de facto complainant. Perused the impugned order dated 18.03.2015 passed by the learned X Special Magistrate, Cyberabad at Hasthinapuram, Ranga Reddy District, which was confirmed by the learned XIII Additional District & Sessions Judge, Rang Reddy District in CrI.R.P. No.55 of 2015 dated 22.08.2015.

3) It is the submission of the learned counsel for the petitioner that trial not commenced and the affidavit of complainant filed under Section 145 of N.I Act. In fact it is the submission that Rs.1,00,000/- is altered as Rs.1,20,000/- on the cheque in question. It is submitted that not only the words but also the letters were even added and further subsequently added the words “thousand rupees only” and the original cheque will reveal the said fact.

4) In fact, it is premature to decide without recording oral evidence and the material alternations unless the parties face the trial, thereby, without prejudice to file such application in future after evidence of complainant’s side, if there is really any material alteration that can be made out from the oral evidence.

5) Accordingly, the Criminal petition is disposed of.

6) Miscellaneous petitions, if any pending in this Criminal Petition, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.13.10.2015

KnI

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

-

-

-

-

-

-

-

-

CRIMINAL PETITION No.10045 of 2015

Date:13.10.2015

knl