

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.08.2016

Coram

THE HONOURABLE MR. JUSTICE G.CHOCKALINGAM

CrI.R.C.No.993 of 2016
and CrI.MP.No.7999 of 2016

B.Krishnan .. Petitioner/Complainant

Vs.

R.Chandran .. Respondent/accused

Prayer :- Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C. to set aside the order dated 13.06.2016 passed by the learned Judicial Magistrate, Kotagiri in CMP.No.716 of 2016 in STC.No.284 of 2014.

For Petitioner : Mr.L.Mouli

ORDER

The criminal revision petition is directed against the order passed by the learned Judicial Magistrate, Kotagiri made in CMP.No.716 of 2016 in STC.No.284 of 2014, dated 13.06.2010, dismissing to amend the chief examination of PW1.

2.The learned counsel for the petitioner mainly contended that in Chief examination the petitioner's cheque number was wrongly typed as 919986 instead of 919906. The original cheque was filed before the trial Court, which is in the custody of the trial Court. Since, the cheque number mentioning 919986 is purely a typographical mistake which has to be rectified, hence, the chief examination has to be modified to that effect.

3.Heard the learned counsel for the petitioner and this Court perused the entire typed set of papers produced on the side of the petitioner.

4.The learned counsel for the petitioner admitted that the proof affidavit was filed by the present petitioner. The cheque number was wrongly mentioned as 919986 instead of 919906 and the proof affidavit sworn in by the petitioner and filed before the trial Court cannot be amended as prayed for by the petitioner. The petitioner is at liberty to file additional proof affidavit to clarify the typographical mistake occurred in the proof affidavit of the petitioner.

5.In the result, the criminal revision petition stands dismissed, with liberty to file additional proof affidavit clarifying the typographical error occurred in the proof affidavit filed by the petitioner, before the trial Court. The trial Court is directed to dispose of the main case as expeditiously as possible. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

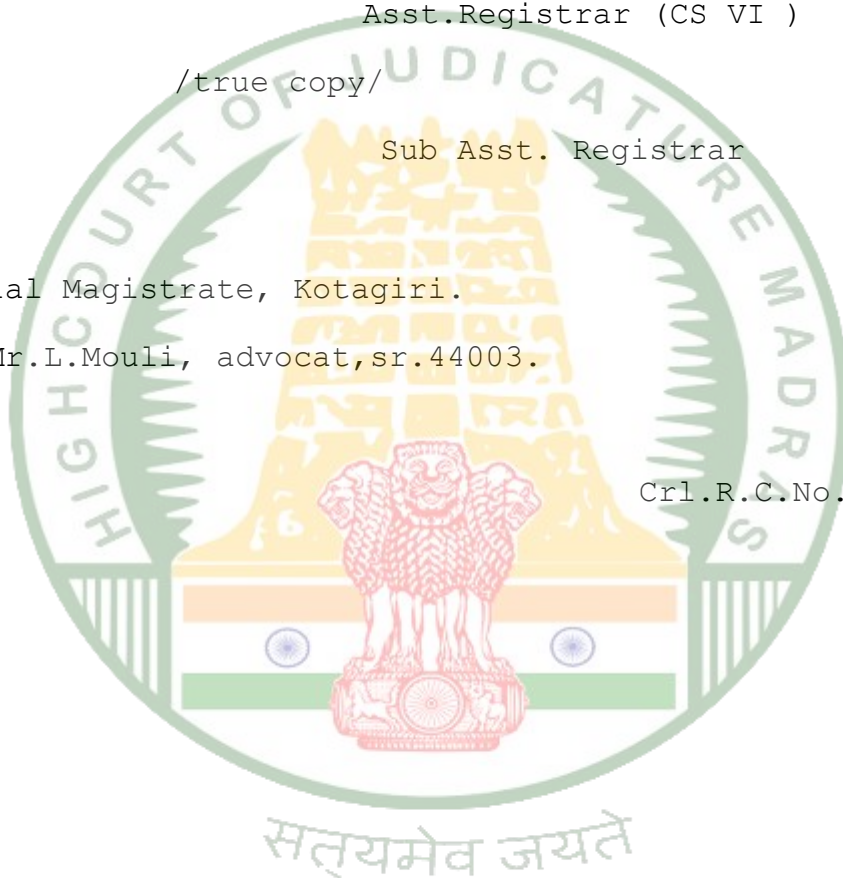
To

The Judicial Magistrate, Kotagiri.

+1 cc to Mr.L.Mouli, advocat,sr.44003.

sr(co)
krd 23/8

Cr1.R.C.No.993 of 2016



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