

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.14680 OF 2016

ORDER:

This petition is filed challenging the order in CrI.M.P.No.4322 of 2016 in C.C.No.14 of 2016 passed on 2nd September, 2016 by the II Additional Judicial Magistrate of First Class, Rajahmundry whereby the learned Magistrate permitted to amend the father's name of petitioner (accused before trial court) by following the judgment in *M.SRINIVASULU REDDY V. K.S.RAGHAVA REDDY* ⁽¹⁾ and *B.PANDARINATH BORADE V. ABDULLA MAHAMMAD BHAGAVAN* ⁽²⁾ and *S.R.SUKUMAR V. S.SUNNAD RAGHURAM IN CRL.A.P.NO.844 OF 2015 DATED 2-7-2015*.

The only contention before this court is that there is no provision in Criminal Procedure Code for amendment and that the father's name appeared in the promissory note is different from the name of the proposed amendment of name of accused-petitioner herein but following the law declared by this court, trial court is permitted to amend the complaint and therefore, the judgment of this court is binding precedent. Secondly, it is not an error to exercise jurisdiction under Section 482 Cr.P.C. However, the petitioner is permitted to raise all these pleas regarding variation in the father's name of accused in the promissory note and in the complaint.

¹ 2003 (2) ALT (Gr.)167 A.P.

² 2006(2) D.C.R.681 (Bom.)

Considering the objection regarding identity of the person with reference to the father's name, trial court is directed to decide the main case.

With the above direction, this Criminal Petition is disposed of.

As a sequel to the disposal of this petition, the Miscellaneous Petitions, if any, pending, shall stand dismissed.

JUSTICE M.SATYANARAYANA MURTHY

Dated 19-10-2016.

Dvs.



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Dated 19-10-2016.

Dvs