

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.7735 OF 2017

ORDER:

This criminal petition is filed under Section 482 of Criminal Procedure Code (for short "Cr.P.C.) to set aside the order dated 16.01.2017 passed in CrI.M.P.No.2555 of 2016 in C.C.No.121 of 2011 by the Judicial Magistrate of First Class, Atmakur, whereby the petition filed under Section 191 of Cr.P.C. to amend the complaint was dismissed.

The petitioner/complainant filed complaint for the offence punishable under Section 138 of Negotiable Instruments Act against the respondent No.2/accused, where the address of the respondent No.2/accused was wrongly typed. Therefore, sought for amendment of complaint to substitute correct address of the respondent No.2/accused, but the petition was dismissed by the trial Court assigning its own reason.

Sri J.Pradeep Kiran, learned counsel for the petitioner, reiterated the grounds urged in the petition, whereas the learned counsel for the respondent No.2 opposed the application on the ground that said C.C.No.121 of 2011 was posted for judgment, however, conceded to order amendment of the address of the accused only.

In view of the concession made by the learned counsel for the respondent No.2, the petition is allowed setting aside the order dated 16.01.2017 passed in CrI.M.P.No.2555 of 2016 in C.C.No.121 of 2011 by the Judicial Magistrate of First Class, Atmakur and the said CrI.M.P.No.2555 of 2016 is allowed to amend the address of the respondent No.2 herein/accused and the Magistrate concerned is directed to permit the petitioner to

carryout the amendment in the complaint and decide the matter without adjourning the same further. No costs.

Consequently, miscellaneous petitions pending, if any, shall also stand dismissed.

JUSTICE M. SATYANARAYANA MURTHY

31.10.2017

Note:

Issue C.C. by 06.11.2017

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