

THE HONOURABLE Dr.JUSTICE B.SIVA SANKARA RAO

Criminal Petition No.3605 of 2017

ORDER :

Heard the learned counsel for the petitioner/ accused and the learned counsel for the 1st respondent/ complainant of C.C.No.251 of 2016 pending on the file of the 1st Spl.Magistrate, Hyderabad, for the offence punishable u/ sec.138 of the Negotiable Instruments Act, outcome of the private complaint of the 1st respondent herein. It is impugning the order passed by the learned Magistrate supra, dt.17.04.2017 in CrI.M.P.No.627 of 2017 for filed amendment of chief-examination by replacing the words “payment stopped by the drawer” with the words “funds insufficient”, the present criminal petition is filed.

Heard both sides at length and perused the grounds urged in the petition and other material on record.

There is no law permitting amendment of evidence like amendment of pleadings as amendment of evidence is unknown to law so also of eschewing the evidence, but for only appreciation of the evidence once brought on record, with reference to admissibility, relevancy, probative value of documents subject to proof and credibility of oral testimony of a witness; leave about any inadvertent deposition or portion of it, the parties got liberty to explain if necessary by recall of such witness by seeking permission for further chief examination or re-examination, as the case may be to explain from the settled law that even an admission can be explained away.

Having regard to the above, the Criminal Petition is disposed of by setting aside the order impugned herein dt.17.04.2017 in CrI.M.P.No.627 of 2017 on the file of the 1st Special Magistrate, by left open such a remedy to the petitioner/ complainant as above. Consequently, pending miscellaneous petitions, if any, shall stand closed.

Dr. B.SIVA SANKARA RAO J,

Date:25.10.2017
vvr

