

HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION Nos.7400 & 7419 of 2017

COMMON ORDER:

The petitioner is the complainant (widow). The respondents are accused in the private complaint case for the offence under Section 138 of Negotiable Instruments Act in CC.No.109 of 2016 pending on the file of learned I Special Magistrate, Erramanzil, Hyderabad. It is after trial and at the stage of arguments, the petitioner filed two petitions i.e., one is under Section 254(2) Cr.P.C. to receive the so called letter of undertaking issued by the accused persons in favour of the complainant and to recall PW.1-complainant to exhibit the same.

The so called letter of undertaking allegedly given by the accused persons was on 26.09.2014. It was subsequent to the death of the husband of the complainant on 15.09.2014. PW.1's evidence was recorded admittedly subsequent to that date. Once such is the case, there is no question of her not drawing attention to exhibit the document in her evidence that too not even confronted to accused/DW.1 in his evidence.

A perusal of the document shows there is a long gap after the contents to the signatures. Thereby, there is nothing to interfere with the lower Court's order in dismissing the applications to receive the document and for recall of PW.1 to exhibit the same.

Having regard to the above and in the result, both the Criminal Petitions are dismissed.

Miscellaneous petitions, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 08.11.2018
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