

Crl.M.P.No.11776 of 2019
in
Crl.RC.No.56 of 2017

A.D.JAGADISH CHANDIRA, J.,

This petition has been filed by the petitioner seeking to amend the name of the respondent/petitioner/appellant/accused as M.Mahadeesha instead of M.Mahadevaiya in the above Crl.RC.

2.Heard both sides.

3.The learned counsel for the petitioner/complainant would submit that the Criminal Revision has been filed against the judgment dated 19.10.2016 in CA No.16 of 2016, on the file of the Learned Additional Sessions Judge, Krishnagiri, confirming the judgment dated, 31.12.2015 made in STC.No.82 of 2015, by the Learned Judicial Magistrate, Fast Track Court, Hosur, convicting the respondent/accused for the offence under Section 138 of the Negotiable Instruments and sentenced him to undergo six months simple imprisonment and to pay a compensation of Rs.24,00,000/-. The learned counsel would further submit that Crl.R.C.No.56 of 2017 was dismissed by this Court, on 19.06.2017 and after the dismissal of the revision, the petitioner had filed a Memo before the Learned Judicial Magistrate, Fast Track Court, Hosur, to issue a non-

bailable warrant of arrest against the respondent. However, the Judicial Magistrate returned the Memo stating that the name of the accused is different in the judgment of the Appellate Court. Thereafter, verifying the details, the petitioner had noted that the name of the respondent was mentioned as "M.Mahadevaiya" instead of "M.Mahadeesha" in the judgment of the appellate Court. Further, the name M.Mahadevaiya had once again been erroneously mentioned as the name of the petitioner in Criminal Revision before this Court. The petitioner had filed a Memo dated 06.04.2018 before the Learned Additional Sessions Judge, Krishnagiri, praying for amendment of the name of the appellant/accused as M.Mahadeesha instead of M.Mahadevaiya in the judgment. However, the Learned Additional Sessions Judge, Krishnagiri, returned the Memo expressing inability to amend the name vide order dated 26.04.2018, in view of the fact that this Court was pleased to dismiss the above Crl.R.C by orders dated 19.06.2017 in which the name of the appellant/accused is mentioned as M.Mahadevaiya. Under the facts and circumstances, the present petition has been filed by the petitioner, seeking amendment of the name of the accused M.Mahadeesha instead of M.Mahadevaiya.

4.The learned counsel for the respondent/accused is present before this Court. He would also submit that the name of the respondent/accused is M.Mahadeesha. However, he would also submit that against the dismissal of the revision by this Court, SLP has been filed before the Hon'ble Supreme Court of India and the same is pending.

5.The learned counsel for the petitioner would submit that unless the name of the respondent/accused is corrected, the orders passed by this Court will not be able to be executed.

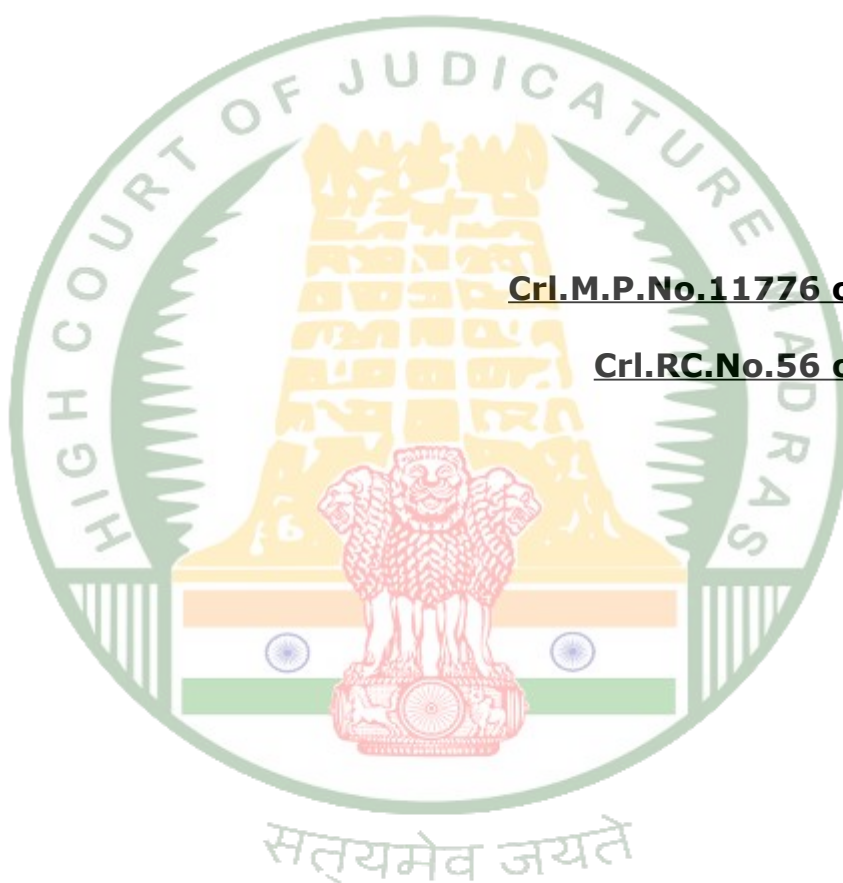
6.In view of the above, this petition is ordered and necessary amendment may be carried out in the judgment in CA No.16 of 2016, dated 19.10.2016 passed by Additional Sessions Judge, Krishnagiri, as well as in the order dated, 19.06.2017 passed by this Court in Crl.R.C.No.56 of 2017.

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