

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.10276 of 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused to set aside the order dated 17.08.2018 passed in CrI.M.P.No.29 of 2018 in CrI.A.No.423 of 2016 on the file of the III Additional Metropolitan Sessions Judge, Hyderabad and to direct the learned Judge to record additional evidence in the appeal.

2. Heard the learned counsel for the petitioner/accused, the learned Additional Public Prosecutor representing the 2nd respondent-State and perused the record.

3. This petition is filed to allow the petitioner/accused to lead additional evidence in criminal appeal wherein the conviction and sentence imposed against the petitioner/accused for the offence punishable under Section 138 of Negotiable Instruments Act is being agitated. Learned III Additional Metropolitan Sessions Judge, Hyderabad passed an order dated 17.08.2018 in CrI.M.P.No.29 of 2018 in CrI.A.No.423 of 2016 assigning reasons.

4. The petitioner/accused intends to examine the Bank Manager along with the records. The application filed by him in the trial Court to record the evidence of Manager was rejected. That order attained finality. During pendency of the appeal, similar application is filed to record the evidence of Manager. It appears from the record that the filing of application in appeal to lead additional evidence is an after thought and only to delay the proceedings in the appeal. Hence, the criminal petition does not merit consideration. There are no grounds

to interfere with the impugned order passed by the lower appellate Court.

5. Hence, the Criminal Petition is dismissed.

Pending Miscellaneous Petitions, if any, shall stand closed.

Dr. SHAMEEM AKTHER, J

Date: 14.03.2019
ssp

