

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

Criminal Petition No.8862 OF 2022

Between:

M/s.Vemula Polymers Private Limited.
and others

...Petitioners

And

The State of Telangana through
Public Prosecutor, High Court for the
State of Telangana and another.

... Respondents

DATE OF JUDGMENT PRONOUNCED: 15.02.2023

Submitted for approval.

THE HON'BLE SRI JUSTICE K.SURENDER

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|---|--|--------|
| 1 | Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2 | Whether the copies of judgment may be marked to Law Reporters/Journals | Yes/No |
| 3 | Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? | Yes/No |

K.SURENDER, J

* THE HON'BLE SRI JUSTICE K. SURENDER

+ CRL.P. No. 8862 of 2022

% Dated 06.02.2023

M/s.Vemula Polymers Private Limited.

and others

... Petitioners

And

\$ The State of Telangana through

Public Prosecutor, High Court for the

State of Telangana and another

... Respondents

! **Counsel for the Petitioner:** Sri K.Buchi Babu

^ **Counsel for the Respondents:** Sri S.Sudershan

Additional Public Prosecutor for R1

Sri Vijay B.Paropkari for R2

> HEAD NOTE:

? Cases referred

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.8862 OF 2022

ORDER:

1. The petitioners are accused questioning the correctness of the order under Section 138 of the Negotiable Instruments Act, passed by the XIV Additional Judge-cum-XVIII Additional Chief Metropolitan Magistrate, Secunderabad in CrI.M.P.No.1351 of 2022 & 1352 of 2022 in C.C.No.146 of 2018 dated 07.09.2019, permitting the complainant to mark certain invoices which are not brought on record at the earliest point of time.

2. The said invoices were produced by the complainant after arguments were complete and the accused had already cross-examined and revealed their defence. Initially, when the notice was issued and referred to invoices mentioned, it was elicited during the cross-examination that the outstanding towards the said invoices have been discharged. Now the claim of the complainant is that the outstanding is not against the invoices that were earlier mentioned but the outstanding is with respect to the invoices which are now filed.

3. Further, according to the learned counsel for the petitioners/accused, the invoices mentioned in the notice were up to 26.04.2016 to 28.06.2016. As stated above, the complainant during the course of cross-examination admitted

that the said outstanding against the said invoices were already paid. In the said circumstances, the complainant cannot come up with a new case after the accused had cross-examined and P.W.1 has admitted that the outstanding debt has already been discharged.

4. Learned Magistrate had thought it fit to admit the evidence and taken on record for the purpose of adjudication. Since the admittance of the documents are subject to its proof and relevancy, further the accused will have an opportunity to cross-examine the witness in respect of the said documents, I do not find any infirmity with the order of the learned Magistrate. Needless to say, the earlier admissions made by P.W.1 regarding payment of the outstanding towards invoices shall be considered by the learned Magistrate and the Court cannot accept any new case made out by the complainant after completion of the cross-examination and defence of the accused. The said aspect shall be kept in mind by the learned Magistrate.

5. With the above direction, the Criminal Petition is disposed off. Miscellaneous applications pending, if any, shall stand disposed.

K.SURENDER, J

Date: 15.02.2023
kvs

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No. 8862 OF 2022

Dt. 15.02.2023

kvs

