

ORDER

The complainant filed application for the purpose of the amend the cheque amount mentioned in the complaint, demand notice and affidavit filed for sworn statement as Rs.20,73,600/- instead of Rs.20,73,000/-.

According to the complainant, they have filed case against the accused for the offence punishable under Sec. 138 of NI Act. The accused has failed to repay the cheque

amount inspite of serving demand notice to the accused. The accused had issued cheque bearing No.617453 dated 17.01.2019 for Rs.20,73,600/- for the purpose of repayment of recoverable debt of the complainant institution. The above said cheque was drawn on Syndicate Bank, Branch Ankola. However, while drafting the demand notice issued to the accused, in the complaint and affidavit, the cheque amount is inadvertently typed as Rs.20,73,000/- instead of Rs.20,73,600/-. The same is noticed on last hearing date. The inadvertent typing is not intentional one. Therefore, the present application is for formal amendment of the cheque amount in the complaint, demand notice and affidavit filed for sworn statement. If the application is not allowed, the complainant will be put to loss and hardship. Hence, it is necessary to allow the application.

Per contra, the learned counsel for the accused filed objection to the above said application and contended that there is no provision to amend the complaint in criminal case. The complainant has clearly mentioned

the amount of Rs.20,73,000/- in the legal notice dated 6.2.2019 and also in the private complaint. After 07 years of filing of this complaint, now at the time of evidence of PW 1, the complainant filing this application. The complainant has not stated proper reason for delay of 07 years. The complainant stated that the inadvertent typing is not intentional one, is far away from truth. The documents produced by complainant is not related to the amount mentioned in the cheque. If the Court permits the complainant to amend the cheque amount after recording plea and statement of accused under section 313 Cr.P.C, it will cause loss to the accused. It is impossible to make correction in plea and 313 statement of accused. Hence, it is prayed to reject the application.

On careful perusal of records, it is clearly noticed that the case is posted for cross-examination of PW 1, at that time, the complainant filed the above said application. Further, it is also noticed that as per the Ex.P1 cheque, the amount mentioned in the cheque is Rs.20,73,600/- But in the complaint, legal notice and in sworn statement it is mentioned

as Rs.20,73,000/- instead of Rs.20,73,600/-. No doubt, the complainant has filed the above said application at belated stage. If the application is allowed by imposing heavy costs, then, it will meet end of justice. Consequently, I proceed to pass the following:-

ORDER

The application filed by complainant is hereby allowed with cost of Rs.3,000/-.

The complainant is hereby directed to amend the cheque amount in the complaint, legal notice and affidavit of sworn statement.

Call on : 3.3.2026

**sd/-
Sr.Civil Judge & JMFC., Ankola**