

**ORDER ON AMENDMENT APPLICATION FILED BY
THE COMPLAINANT**

The learned counsel for the complainant has filed this application seeking permission for amendment of complaint as sought in the application.

2. It is stated in the application that, this case is pending before this court and it is posted for evidence of complainant. During the course of the drafting of present complainant counsel for the complaint mistaken and stated that, the lawyer notice issued to accused person on 02-12-2022 instead of 03-01-2024. The present application has been filed on the bonafied ground and no prejudice will be caused to the accused. The present application for the amendment does not introduce technical in nature. Hence prays to allow the application.

3. On the other hand, the counsel for the accused filed objection to the said application and contended that, the application filed by the complainant is not maintainable. The application filed by the complainant, at this stage is not maintainable since there is no explanation for the mistake made in the complaint and same cannot be corrected after the commencement of the complainant's evidence. Hence, prays to dismiss the application.

4. Heard and perused the materials available on record.

5. The complainant has filed this complaint against the accused for the offence punishable under section 138 of N.I.Act.

6. On perusal of the documents produced along with the complaint, it is very apparent that, the

complainant has sent notice dated: 03-01-2024 to the accused. But in the complaint the date of the notice is mentioned as 02-12-2022. The said mistake is typographical error. Hence, if said mistake is rectified, it will not cause injustice to the accused and also it will not change the nature of the complaint. On the other hand, if the mistake as stated in the application is not rectified, it will lead to multiplicity of proceedings. Hence by considering all the facts and circumstances, this Court proceed to pass following:-

ORDER

The application filed by the Complainant for amendment is hereby **allowed.**

The Complainant is permitted to amend the complaint as sought in the application and also directed to file amended complaint.

Call on 21-01-2026.

Sd/-

Addl. Civil Judge and
JMFC., Bhatkal.