

**IN THE COURT OF THE JUDICIAL I CLASS MAGISTRATE,
KOLENCHERRY:**

**Present : Smt. Jaicy Augustine,
Judicial I Class Magistrate.
Monday the 30th day of March, 2026**

CMP No. 1293 of 2025

In

CC No: 444 of 2019

Complainant : Food Safety Officer,
Kunnathunadu Circle, Mini Civil Station,
Block Junciton, Kolenchery.

(By APP Kolenchery)

Accused : 1. Eldhose Kurian, S/o Kurian,
Koothamattathil House, Kolenchery, Pin-682 311
2. Raju Varghese,
Onamthuruthel Traders, V/498, Kolenchery, PIN – 682 311,
Resiiding at Onamthuruthil House, Mekkadammbu P.O,
Muvattupuzha.
(By Adv. C K Rengith)

Order : CMP is allowed.

ORDER

This is a petition filed for seeking amendment of the complaint .

2. **The case of the petitioner/complainant in brief is as follows:** Petitioner was the complainant in CC No. 444/2019. At the time of filing the complaint, there occurred certain typing errors in the complaint. Page 2 Para 1:- Prosecution sanction order number of this case is mentioned as Order No. “E1 3634/18/CFS dated 27.02.2019” instead of Order No. “E1- 4606/2019/CFS dated 11.07.2019”. Name of the officer who took the sample mentioned as “Joseph Kuriakose” instead of “Needu Nadeer”, “Chilly powder” was mentioned instead of “Jaggery” and Local area of the state of Kerala Gazette notification order of the officer is

mentioned as Order No. “G-3097/17/CFS dated 22.04.2017” instead of Order No. “A1-2754/18/CFS dated 06.04.2018”. These four mistakes are avoided not because of the negligence of the petitioner. There was no willful negligence or laches on the petitioner's part. It was because of the typing error said mistakes happened in the petition. If the mistakes were not corrected, it will cause serious harm to the prosecution case. Hence this petition.

3. **Brief averments in the objection filed by the respondent/accused are as follows:** The petition is not maintainable either on law or on facts, since it is filed under Section 482 CrPC., which deals with the inherent power of High Court. The petition filed by the Food Safety Officer for amending the complaint may not be allowed since the proposed amendment changes the basic nature of the complaint, which causes prejudice to the accused. The complaint was filed before the court on 14.10.2019 and there is a long delay in filing the present petition. The submission made by the complainant/petitioner that there was no negligence or laches on her part is not believable and the complainant was highly irresponsible in handling the present case. Hence, it may humbly prayed that the Court may be pleased to dismiss the amendment petition as there is no provision under Section 482 CrPC for amending the petition and the present petition is highly belated.

4. Heard both sides. And perused all relevant records .

5. The petitioner is the food safety Officer, the complainant in CC 444/2019 . The petition is filed for correction ,of Prosecution sanction order number is mentioned as Order No. E13634 bar 18 bar CFS. For correcting the typing errors occurred in the complaint in paragraph 1 of page 2. Prosecution sanction order number of this case is mentioned as Order No. E1-3634 / 18 CFS dated 27.02.2019 instead of order no. in the complaint. The contention of the petitioner is that the aforesaid mistakes have not occurred due to any negligence on

the part of the petitioner, but are merely the result of typographical errors that inadvertently crept into the complaint. The respondent/accused has objected to the same on the ground that the proposed amendment would alter the basic nature and character of the complaint, and that allowing such amendment would cause prejudice to the accused.

6. The petitioner contention is that these mistakes are occurred not because of negligence of the petitioner, but because of the typing errors, which said mistakes happened in the petition. The respondent/ accused objected it to the ground that the proposed amendment changes the basic nature of the complaint, which causes prejudice to the accused.

7. The petition seeking amendment of the complaint has been filed for the purpose of correcting certain errors that have occurred in paragraph 2 of the complaint. On perusal of the complaint it is seen that the name of the officer , prosecution sanction order number, and name of the article is correctly shown . Only in the second paragraph of the complaint the mistake occurred. On a perusal of the complaint and the documents produced along with it, it is evident that in the other paragraphs of the complaint, the food samples collected by the Food Safety Officer have been consistently described as jaggery and not chilli powder. Further, in Form V-A and Form VI, the details of the food article are clearly mentioned as jaggery. In the present case, due to an inadvertent and accidental mistake on the part of the Food Inspector, the prosecution sanction order number has been incorrectly stated in the complaint, instead of mentioning the correct order number as contained in the sanction order granting approval to launch prosecution in this case.

8. It is also noted that the name of the officer has been erroneously recorded as Joseph Kuriakose instead of Neethu Nadir. Additionally, the name of the Food

Safety Officer has been shown as “Needu Nadeer” in certain documents filed along with the complaint, whereas the correct name is reflected in other parts of the complaint as well as in the appointment order produced along with the complaint.

9. In the above circumstances, the request made by the Food Inspector cannot be construed as seeking a substantive amendment of the complaint, but rather as a request for correction of clerical and inadvertent errors in the complaint.

10. The **Honble Kerala High Court in Ali Hassan v. State of Kerala , 2009 KHC 5098** , Prevention of Food Adulteration Act, 1954 - S.7(i) - Complaint wrongly stating the name of adulterant as "sunset yellow" instead of "Tartrazine" -- Request of the Food Inspector was not really an amendment of the complaint but a correction of the mistake in the complaint to substitute the word "sunset yellow" with "Tartrazine colour"-Held, it can be allowed to be corrected even after cognizance is taken.

11. Considering the circumstances, I find it just and proper to grant permission to the petitioner to amend the complaint . Hence, I am inclined to grant permission to the petitioner to amend the complaint. The amendment shall be carried within 7 days .

In the result, the petition is allowed

(Dictated to the Confdl, Asst, transcribed and typed by her, corrected by me and pronounced in open court on this the 30th day of March, 2026.)

Jaicy Augustine
Judicial Ist Class Magistrate
Kolencherry