



**R.C.C.No. 556/2018.**  
**ARTH -vs- Shree Baidyanath**

**ORDER PASSED BELOW EXH-6**

This is an application filed by complainant for amendment in the complaint.

2] The complainant submitted that the complainant filed the said complaint and at the time of drafting and filing the present complaint due to inadvertence and oversight, the complainant has not pleaded the necessary pleading in the complaint. He further submitted that the proposed amendment does not changes the nature of the complaint and it is very much necessary for their adjudication of the present complaint. Complainant relied upon the judgment of Hon'ble Apex Court in S.R. Sukumar Vs. S. Sunaad Raghuram in Criminal Appeal No. 844 of 2015 decided on 02/07/2015. In this case the Hon'ble Apex Court held that if the Magistrate had not taken cognizance of complaint and summons not issued to the accused and no prejudice caused to accused. Such amendment did not change the original nature of the complaint and to avoid the multiplicity of the proceeding. In such circumstances allowing amendment in the complaint.

3] Heard, the counsel for the complainant in length. Perused

the record, I have gone through the proposed amendment. The present complaint is on primary stage till date cognizance of complaint not taken and summons not issued to the accused. The amendment sought in the complaint relates to a simple intimity which is curable by means of a formal amendment and by allowing such an amendment no prejudice is caused to the other party, to avoid the multiplicity of proceeding in the interest of justice the said application deserve to be allowed. Hence, amendment is allowed with no order of costs. It be carried out on or before the next date and thereafter file amended copy of complaint.

Date. 06/08/2019.  
Nagpur

(J.D.Jadhao)  
Judicial Magistrate First Class,  
Court No.1, Nagpur.

DISTRICT COURT  
NAGPUR