

ORDER BELOW EXH.31 IN S.C.C. NO. 509/2023**State Vs. Mangesh Badgude****(Passed on 31/07/2025)**

1] This is an application filed by the Learned Assistant Public Prosecutor (Ld. APP) seeking amendment of the plea recorded on 24/01/2024. It is submitted that though the charge includes Section 3 read with Section 181 of the Motor Vehicles Act, only Section 181 was mentioned at the time of recording plea. The prosecution now prays that the plea be amended to reflect the correct provision, i.e., Section 3 r/w 181 of the Motor Vehicles Act, stating that the accused was not holding a valid driving licence at the time of the incident.

2] The accused has opposed the application, stating that the plea was recorded long back, three prosecution witnesses have been examined, evidence was closed on 17/04/2024, and the statement under Section 313 of Cr.P.C. was recorded on 13/06/2025. The matter is now fixed for final arguments. It is contended that this point was never raised earlier and the application is filed at a belated stage.

3] Heard Ld. APP and Ld. Advocate for accused. Perused the record.

4] On perusal of the record, it is seen that the trial has

already progressed substantially. The prosecution had sufficient opportunity to raise this issue earlier but failed to do so. No explanation for the delay has been provided. Though Section 216 of Cr.P.C. allows alteration of charge before judgment, such power must be exercised carefully and without causing prejudice to the accused. In the present case, allowing amendment at this advanced stage would affect the right of the accused to a fair trial. Hence, I pass following order -

ORDER

The application filed by the Ld. APP to amend the plea to include Section 3 r/w 181 of the Motor Vehicles Act is hereby rejected.

Date : 31-07-2025.

[Smt. Meena W. Jadhav]

Place : Bhore, Pune

Judicial Magistrate F. C., Bhore

CERTIFICATE

I affirms that the contents of this P. D. F. file order are same word for word as per original order.

Name of the Court	:- Hon'ble Smt. Meena W. Jadhav C.J.J.D. & J.M.F.C., Bhore, Pune
Name of the Steno	:- M. S. Kondhare L.G.
Date of Order	:- 31-07-2025
Signed by P.O.	:- 31-07-2025
Order uploaded on	:- 31-07-2025