

MHPU240005432023



ORDER BELOW EXHIBIT NO. 06 IN CRI.M.A. NO. 84/2023

1] The complainant has moved the present application for seeking amendment in his complaint.

2] It is contention of the complainant that while drafting of complaint in the para no. 11 of the forth line from the top of the para, the date of incident dated 14/11/2021 and time of the incident at around 10.00 am was by mistaken omitted and also while drafting of the para no. 16 by mistaken wrong date of incident as 04/11/2021 instead of correct date of incident dated 14/11/2021 has written. This omission in the para no. 11 and correction para no. 16 for the date of incident is occurred due to mistaken, and not made willfully and deliberately Therefore, by making this amendment no subject matter of this complaint may be change and prejudice will be cause to accused. Hence, he prayed to allow the application.

3] Heard the ld. Advocate for the complainant. Perused the record. The present complaint is filed against the accused for the offence under section 323, 324, 326, 328, 504, 506 of IPC and it is pending for verification of the complainant. On perusal of complaint and documents filed on record, it seems that complainant narrated the incident dated 14/11/2021 but while drafting para no. 16 of the complaint he wrongly mentioned date as 04/11/2021. To prove the contents of said application, complaint has filed affidavit at Exh. 07.

If amendment is allowed, no prejudice would be caused to the other side. Therefore, it is necessary to amend the complaint, to avoid multiplicity of proceedings and to decide the controversy between parties at once on merit. The amendment is not going to change the nature of complaint. The changes which the complainant is seeking are minor in nature and technical, but are essential to decide the real question in controversy between the parties. After perusal of the record, it appears that the amendment which the complainant is seeking are nothing but typographical errors. Therefore, considering the ratio laid down by Hon'ble Supreme Court in the case of **S.R.Sukumar Vs. s. Sunaad Raghurav**¹, I am of the view that it would be just and proper to allow the application. Hence, I pass the following order.

O R D E R

- 1] The application is allowed.
- 2] The complainant is directed to carry out the proposed amendment in the complaint within 14 days or on or before next date.

Ghodegaon
Date : 22/08/2023

(M. S. Mali)
Judicial Magistrate First Class
Ghodegaon

¹ (2015) 9 SCC 609.