

ORDER BELOW EXH.10 IN SCC NO.2429/2019

This is the amendment application filed by complainant. Perused the application. No say filed by accused. Amendment is regarding the change in name of complainant Company. The documents are also filed on record in respect of that. The proposed amendment does not change the nature of complaint. The application is at post-cognizance stage. Therefore, it would not prejudice to the accused. The Hon'ble Supreme Court in the case of **S. R. Sukumar Vs. S. Sunaad Raghuram, (2015) 9 SCC 609**, wherein it was held that ;

"If the amendment sought to be made relates to a simple infirmity which is curable by means of a formal amendment and by allowing such amendment, no prejudice could be caused to the other side, notwithstanding the fact that there is no enabling provision in the Code for entertaining such amendment, the Court may permit such an amendment to be made. On the contrary, if the amendment sought to be made in the complaint does not relate either to a curable infirmity or the same cannot be corrected by a formal amendment or if there is likelihood of prejudice to the other side, then the Court shall not allow such amendment in the complaint."

02. Thus, in view of above ratio, there is no prejudice to the accused, if amendment is allowed. In the present case, the process is issued against the accused. Therefore, there is no question of prejudice to the accused even if say is not considered. Hence, applications deserves to be allowed. Thus, I pass the following order :-

ORDER

1. Application is allowed.
2. The complainant shall amend the complaint accordingly on next date.

Place : Miraj.

Date : 02/02/2026.

(Pravin U. Kulkarni)
Judicial Magistrate First Class,
[Court No.2] Miraj.