

MHSN090016172021



Order below Exh.22 in S.C.C.No.804/2021

[Sou. Shrimati Ramchandra Hankare v/s. Sanjay Shankar Shinde]

The present application is filed by complainant to make amendment in the complaint filed under Section 138 of the N.I.Act.

2. By filing present application it is submitted by the complainant that, while drafting the complaint, the date of cheque return memo is mentioned as 03.01.2020, but infact the said cheque return memo is dated 30.12.2019. The original cheque return memo is also filed on record. The said mistake is typographical mistake. Therefore, it is necessary to rectify the same by way of an amendment. Therefore, she prayed that application may be allowed.

3. On the other side the Ld. Advocate for the accused filed his say and denied the contents of the application and submitted that, there is no such provision mentioned in the application under which the present application is filed. The proposed amendment will change the nature of the proceeding. Therefore, he prayed that application may be rejected.

3. Heard both sides. Perused the application as well say. The amendment which is sought by the complainant is regarding the date of cheque return memo. The complainant has filed on

record the original cheque return memo at Exh.3/5, which shows the date as 03.12.2019. The date which is mentioned in the complainant is 03.01.2020. Admittedly, there is no any specific provision to make an amendment in criminal complaint. But, when there is any typographical mistake which can be corrected, can be allowed. The proposed amendment will not change the nature of proceeding. Also, the burden lies on the complainant to prove her case by leading evidence for which she is seeking the amendment. Hence, I proceed to pass the following order.

ORDER

1. The application is allowed.
2. The complainant is directed to carry out necessary amendment and to furnish the copy of amended complaint on next date.

TASGAON.
Date : 05.04.2024

(Omprakash M.Mali)
Judicial Magistrate, First Class,
TASGAON.

I affirm that, the contents of this P.D.F file judgment/order are same, word to word, as per the original judgment/order;

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|---|---|---|
| Name of the Stenographer | : | U.PPatil |
| Court | : | Civil Judge Jr.Dn. and Judicial Magistrate F.C., Tasgaon. |
| Date | : | 05.04.2024 |
| Judgment/Order signed by the Presiding officer on | : | 05.04.2024 |
| Judgment/Order uploaded on | : | 05.04.2024 |