



ORDER BELOW EXHIBIT- 46

The present application is moved by the complainant to carry out amendment in his complaint in para No. 14 as 14A, 14B, 14C and 16A respectively.

02. It is submitted by the complainant that while effecting partition in the year 1969 whatever property given in favour of complainant by avoiding other legal heir and that property was also included in will which is of complainant and therefore the fraud came to be played by the accused No. 2 and 3 by preparing false document to grab the valuable property.

03. Further it was submitted by the complainant that accused No. 1 is daughter-in-law of Ambadas Pachgade and wife of accused No. 2 with whom Ambadas Pachgade use to reside before his death and accused No. 1 by taking benefit of ill-mental health of Ambadas Pachgade started operating his accounts and locker which were in the name of Ambadas Pachgade by obtaining his signature.

04. Further it was submitted by the complainant that writing upon the will and particularly on page number of the

middle of the will is of accused No. 3 who is also involved in doing such fraud in execution of the will. Accused No. 3 and his family by assessing the false execution of the will may fraud and look after the accounts and business of Dwarka Traders.

05. Further it was submitted by the complainant that accused No. 4 was retired from the post of Land Acquisition Officer and he is having good relation of the officer of the Revenue Department and whenever he invite the said officer for Ganpati festival he communicate them to not take into consideration of objections filed by complainant and straight way reject the objection filed by the complainant. These are the amendments which complainant wants to carry out in his main complaint.

06. Perused the application and record. Heard the Ld. Advocate at considerable length. The Ld. Advocate argued that the amendment is necessary as per the directions of the Hon'ble High Court in Criminal Writ Petition No. 187/2024. Further he submits that the said amendment will not change the nature of the complaint and relied upon *Ramdev Baba Developers Vs. Sayed Majuroddin Sayed Shahabuddin 2023 All MR Cri. 1972* in which the Hon'ble High Court upheld the order of Judicial Magistrate First Class in respect of amendment carried out in the complaint for an offence punishable under Section 138 of Negotiable Instruments Act, 1881.

07. I have gone through the amendment application of complainant, complaint, judgment of the Hon'ble High Court in Criminal Writ Petition No. 187/2024 and the cited judgment of the Hon'ble Bombay High Court. As per the submission of the Ld. Advocate I do not find any directions to carry out the amendment in the above stated writ petition. The facts of the present complaint and the cited judgment are totally different as the offence punishable under Section 138 of N.I.Act is quasi civil in nature and the present complaint filed by the complainant was to issue process against the accused under Section 419, 420 r/w 34 of Indian Penal Code. Hence, with due respect the above cited supra is not helpful to the application of the complainant. Moreover, the amendment which complainant sought appears to be change in nature of complainant and particularly there is no express provision in the Code of Criminal Procedure to carry out the amendment in the complaint. Hence, following order is passed.

-: ORDER :-

Application Exh. 46 is hereby rejected.

Karanja (Lad)
Date:- 14.08.2026

(B.A.Nerlikar)
J.M.F.C. (Court No.3)
Karanja (Lad)

<u>CERTIFICATE</u>		
I affirm that the contents of this P.D.F. file Order is same word to word as per the original order.		
Name of Steno.	:-	Shivam B. Patange (LG)
Court Name	:-	2 nd Jt. C.J.J.D. & J.M.F.C., Karanja Lad.
Date of Order	:-	14.08.2026
Order signed by P.O.	:-	14.08.2026
Order uploaded on	:-	14.08.2026