



Order passed below Exh.26 in S.C.C. No.1756/2022
Vyapati Mitra Nagri Sahakari Patsanstha Vs. Amol Vitthal Thawari

1) The complainant sought permission to amend the complaint to cure the typographical mistake as to date of avilment of loan. The application is opposed by the accused being deliberate and lack of provision.

2) Perused the application and reply. Heard both the Ld. Advocates. They submitted as per the contention of application and reply.

3) The complaint is filed under Section 138 of the Negotiable Instruments Act, 1881. The proceeding is quasi civil in nature. Therefore, the date is material and essential while adjudicating the commission of offence. The incorrect date of avilment of loan is mentioned in the application, by the reason of typographical mistake. The documents placed on record supports the fact of mistake. The date is concerned with the controversy in the trial. Therefore, the curing the mistake by way of amendment is essential for fair trial. Therefore, considering the documents on record, I am satisfied of the proposed amendment being typographical mistake. Further, it does not affects or prejudice to the right of defence. Therefore, the application deserves to be allowed with suitable costs. Hence, I pass following order.

Order

1. The application is allowed, subject to costs of Rs.200/- to be paid to the accused.

2. On payment of aforesaid costs, the complainant is permitted to amend the complaint within 7 days.

Place: Wani
Date : 15.04.2025

(Shahaji D. Bhosale)
Judicial Magistrate F.C.,
Wani.