

C. Case No:-547/2015

Order dated 12.07.2018.

Today the representative of the complainant; has filed a petition praying for substitution of Tarun Dutta in place of Md. Golam Rahaman Saifulla as the representative of the complainant bank. The basic prayer as it remains is for making necessary alteration in the complaint so that the case can proceed as the authorized representative of the complainant who filed the case has been transferred and this petitioner has assumed the charge. The alteration as prayed for will in no way prejudice the accused person as the case is still at the stage of plea. In ***Chinnappaiyan vs Chinnathayee [Crl. R.C.No.780 of 2006 and M.P.No.1 of 2006]***, the Hon'ble High Court following the decision of ***U.P. Pollution Control Board v. Messrs Modi Distillery and others, (1987) 3 SCC 684*** has held as under:

“9. It is true that to amend either a complaint or a petition filed under the provisions of the Code, there is no specific provision in the said Code. But, the courts have held that petitions seeking such amendment to correct the curable infirmities, can be allowed even in respect of complaints. In this regard, a reference may usefully be made to the following judgments.”

Being pioneered by the observation of the Hon'ble Supreme Court I have no dichotomy to conclude that the act of the complainant has legal ratification. Thus the name of the present petitioner be inserted in place of Md. Golam Rahaman Saifulla and allowed to represent the complainant Bank.

To 05-12-2018 for hearing and S/R.

Typed by me;

ACJM

Additional Chief Judicial Magistrate
Bidhannagar