

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL WRIT PETITION NO. 3712 OF 2012

Abdul Razzak, Proprietor R.R. Developers .. Petitioner

Versus

The State of Maharashtra & Anr. .. Respondents

Mr. K. R. Iyengar, Advocate for the petitioner
Smt. P. P. Bhosale, APP for the respondent-State
Mr. A. P. Singh, Advocate for the respondent No. 2.

CORAM:-M.L. TAHALIYANI,J.
DATED : -08/01/2015

P.C.

Admit. Heard finally.

2 The petitioner is accused in C.C. No. 946/SS/2011 pending in the Court of Metropolitan Magistrate, 58th Court, Bandra, Mumbai. He is facing trial for the offence punishable u/s 138 of the Negotiable Instruments Act, at the instance of respondent No. 2 - M/s. Mishra Builders & Developers. Respondent No. 2 applied for correction of cause title of the complaint where Ramdhari Mishra

was shown as 'Director' of M/s. Mishra Builders & Developers. In fact M/s. Mishra Builders & Developers is a proprietary firm and, therefore, respondent No. 2 wanted the word '*Director*' to be substituted by the word '*Proprietor*'. The said prayer of respondent No. 2 has been allowed by the Magistrate.

3 The petitioner is aggrieved by the said order. In my opinion, it hardly makes any difference to the merits of the case and no prejudice has been caused to the petitioner by making necessary corrections in the cause title. The arguments of the learned counsel for the respondent No. 2 that it was a typographical mistake are acceptable.

4 I do not find any merit in the writ petition. The petition is dismissed.

5 It is directed that the learned Magistrate shall put certain questions to PW 1, Mr. Ramdhari Mishra to clarify his position with respect to his status in M/s. Mishra Builders & Developers.

(JUDGE)

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