

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

Criminal Application No.1076/2006

Ashok Mohanlal Tawari and another ..vs.. State of Maharashtra and 3 ors.

And

Criminal Application No.1077/2006

Ashok Mohanlal Tawari ..vs.. State of Maharashtra and 5 ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. T. A. Mirza, A.P.P. for non applicants-State.

CORAM: A.B. CHAUDHARI & P. N. DESHMUKH,JJ.

DATE : FEBRUARY 26, 2015

Upon perusal of the prayer clauses in these applications so also prayer clause in application for amendment, we find that this Court had allowed the amendment to these applications. The amendment, that was allowed was as under:

“i-A. Quash and set aside criminal case no. 479/07, 480/07 and 223/07, pending on the file of Ld J.M.F.C. Akot.

ii-A. During the pendency of the present application, further proceeding in criminal case no. 479/07, 480/07 and 223/07, pending on the file of Ld. J.M.F.C. Akot may kindly be stayed.”

As a matter of fact, the practice in vogue is to carry out amendments by pasting a slip at the appropriate

place and not by putting the amended portion on separate page and then inserting the same page of the amended portion after the page having solemn affirmation to the petition. In this case also, we find that prayer clause (i-A) was required to be inserted below original prayer clause (i) but for that separate page has been utilized and annexed after the solemn affirmation. Similar is the case with amendment carried out after prayer clause (ii). Instead of pasting the slip below prayer clause (ii), separate page has been inserted. As a matter of fact, the amendment slip that is to be pasted preferably can be in the red colour print or red underlined in order to decipher the same from the original print colour (black) in the body of petition or the original prayer clauses.

We have, however, noticed that amendments are carried out without pasting of slips, as indicated above but number of pages for amendments are inserted and then are required to be mentioned everywhere i.e. synopsis, index and so on so forth. According to us, the established old practice to have amendment carried out by pasting of the slips at the appropriate places is far better and convenient rather than putting separate pages, save and except the amended consolidated portion with red underlined amended portion. That is, in fact, causing inconvenience to the advocates, their clerks, officials of the registry so also the courts while reading the record. It is difficult to look the amended portion at the first blush and

the Judges are required to search such amended pages by turning pages after pages. We think, what is convenient to everybody, that is the old established practice, must be continued. We, therefore, make the following judicial order for the Registry.

ORDER.

- (i) Registry of this Court is directed to follow practice of pasting the slips of the amended portions in the red underlined or in red or different ink/print at appropriate places rather than putting the amendments by separate pages, save and except the amended consolidated petition/application with red underlined amended portion.
- (ii) Registry is directed to circulate this order to the High Court Bar Association, District Court Bar Associations and other Bar Associations for publication in cause list.
- (iii) Let the order be carried out forthwith.

JUDGE

JUDGE