

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-10361 of 2015
Date of decision:31.03.2015

Kanwaljit Kaur

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. Vivek Salathia, Advocate for the petitioner.

Navita Singh, J. (Oral)

The petitioner had filed an appeal under Section 449 of the Code of Criminal Procedure (for short Cr.P.C) against the order dated 18.10.2014 passed by the Additional Deputy Commissioner of Police-cum-Executive Magistrate, Amritsar. However, the petitioner later on realised that the order was actually passed on 16.12.2014 and not on 18.10.2014.

On account of the above mistake, the petitioner filed an application (Annexure P.3) before the Sessions Judge, Amritsar for allowing the petitioner to correct the date of order in his appeal. The request was rejected on the ground that the Sessions Judge had no inherent power under Section 482 Cr.P.C to order the amendment. The ground taken at that time for the mistake was that when the appeal was filed certified copy of the order was not available with the petitioner.

Counsel for the petitioner submits that later on the copy was obtained and by the time impugned order was passed on 11.3.2015, the certified copy had been placed on record by the State.

It is felt that since there was an obvious mistake in mentioning the date of the order in the appeal, the Sessions Judge, Amritsar should have allowed the amendment to be carried out though the power under Section

482 Cr.P.C was not available to him. In any case, going strictly by the said provision of law, he rejected the application.

Petition is allowed. The impugned order dated 11.3.2015 is set aside and the petitioner is allowed to make the amendment in the date of order in his appeal which is stated to be pending.

31.03.2015
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(NAVITA SINGH)
JUDGE