

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.16196 of 2016

ORDER:

Heard both sides.

Though this Court earlier held in **Dr. SD Munawar Sultana Vs. Vijaya Bank, Nellore**¹ that the Magistrate Court has no power for no enabling provision to permit any amendment to a complaint, same is not surviving as good law in view of the expression of the Apex Court in **S.R.Sukumar Vs. S.Sunaad Raghuram**² of an amendment of typographical mistake can be permissible by referring to the earlier expression of the Apex Court in **U.P. Pollution Control Board Vs. Modi Distillery**³ where there was wrong mention of name of the complainant that was permitted and however with a rider saying if the amendment sought to be made in the complaint does not relate to curable infirmity or it is likely to cause prejudice to other side, then the Court shall not permit such an amendment in the complaint.

Hence for nothing shown of any prejudice from the surname correction that too when it is brought in the cross examination of accused also and same is a curable infirmity and from which when the trial Court allowed the amendment to complaint cause title, there is nothing to interfere with the same but for to clarify that the trial Court cannot permit any amendment in other records including in any legal notice and depositions but for if at all to explain the same in the evidence.

¹ 2015 (1) ALD (CrL.) 967

² 2015 (9) SCC 609

³ 1987 (3) SCC 684

With the above clarification, the Criminal Petition is disposed of.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 30.08.2017
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