

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

**Crl. Misc. M – 3214 of 2014 (O&M)
DATE OF DECISION: 23.08.2017.**

Ram Kumar

....Petitioner

VERSUS

The Patiala Central Co-operative Bank Ltd.

....Respondents

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Anupam Singla, Advocate, for the petitioner.

Mr. N. S. Vashisht, Advocate, for the respondent.

Shekher Dhawan, J. (Oral)

Present petition is under Section 482 Code of Criminal Procedure, (for short, 'the Code') for quashing of order dated 14.11.2013, whereby learned Sub Divisional Judicial Magistrate, Nabha, allowed the amendment of complaint filed under Section 138 of Negotiable Instruments Act, 1881 (for short, "the Act").

Learned counsel for the petitioner mainly contended that after passing of summoning order in case under the Act, there is no provision as per law in the Code or in the Act to amend the complaint. Even there is no provision to amend the notice issued before filing of complaint under Section 138 of the Act.

Learned counsel for the respondent fairly conceded proposition of law that there is no such provision of amendment of complaint.

Having considered all these facts, this Court of the considered view that learned Magistrate fell in error while passing the impugned order thereby allowing the amendment. Learned counsel representing both the

parties have fairly conceded that there is no provision for amendment of complaint under the Act and the Code. That being so, order dated 14.11.2013 is legally not sustainable and the same is set aside. Resultantly, present petition is allowed.

(SHEKHER DHAWAN)
JUDGE

August 23, 2017

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Whether speaking/reasoned	:	YES/NO
Whether reportable	:	YES/NO