

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-2241-2019 (O&M)

Date of decision: 18.01.2019

M/s Satish Ji Shawls and another

...Petitioners

Versus

M/s Lovely Industries Pvt. Ltd. and another

...Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Gourav Goel, Advocate
for the petitioners.

ARVIND SINGH SANGWAN, J.

Prayer in this petition is for setting aside the order dated 14.02.2018 passed by the trial Court in criminal complaint No.COMA 727 of 2015 dated 19.02.105, vide which an application filed by the respondents-complainant for correction in the complaint as well as in the supporting affidavit stands allowed and also the order dated 08.10.2018 passed by the revisional Court, vide which the revision petition filed by the petitioners was dismissed.

Brief facts of the case are that the respondents-complainant have filed a complaint under Section 138 of the Negotiable Instruments Act, 1881 on account of dishonour of a cheque amounting to Rs.5,06,800/-. In the complaint as well as in the affidavit, it is stated that by way of resolution dated 09.01.2015, the authorized signatory i.e. Ashwani Kumar Passi,

director of the complainant-company was authorized to file the complaint, however, the correct date of resolution is 16.10.2014 instead of 09.01.2015. The application was contested by the petitioners/accused, however, the same was allowed and the revision petition filed by the petitioners, against the impugned order passed by the trial Court, was dismissed by the revisional Court. Present petition has been filed challenging the aforesaid orders.

It is submitted by learned counsel for the petitioners that there is no specific provision under the Code of Criminal Procedure for effecting the amendment in the complaint as well as in the supporting affidavit and the date of resolution is much prior to issuance of the cheque and therefore, the very basis of moving the application is incorrect.

After hearing learned counsel for the petitioners, I find no merit in the present petition.

The only amendment sought by the respondents-complainant is that the date was wrongly mentioned in the complaint as well as in the supporting affidavit as 09.01.2015, whereas the correct date is 16.10.2014.

The Courts below have held that by correcting the date as 16.10.2014 instead of 09.01.2015, no prejudice will be caused to the petitioners/accused as the proposed amendment is curable being a formal correction.

Since learned counsel for the petitioners could not demonstrate any prejudice being caused to the petitioners/accused by way of proposed amendment, which is allowed by the trial Court and the revision petition filed against the same, stands dismissed by the revisional Court, I find no

ground to set aside the impugned orders, in exercise of powers under Section 482 Cr.P.C.

Dismissed.

[ARVIND SINGH SANGWAN]
JUDGE

18.01.2019
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No