

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.05.2021

CORAM :

THE HON'BLE Mr.JUSTICE G.R.SWAMINATHAN

Crl.O.P.No.8554 of 2021 and

Crl.MP.Nos.5631 & 5632 of 2021

R.Baskaran

... Petitioner/Accused

Vs.

V.Amuda Devi

.. Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to set aside the order dated 05.04.2021 in CMP No.357 of 2020 in S.T.C.No.85 of 2019, on the file of the learned Judicial Magistrate, Fast Track Court, Magistrate level at Thiruvallur, quash the same.

For Petitioner : Mr.R.Selvakumar

ORDER

(The case has been heard through video conference)

The petitioner is the accused in S.T.C.No.85 of 2019 on the file of the learned Judicial Magistrate, Fast track Court, Magisterial Level, Thiruvallur. He is facing trial for the offences under Section 138 of the Negotiable Instruments Act,. In the said case, the complainant filed CMP No.357 of 2020 for making amendment in the complaint, as he made a mistake while mentioning the Cheque number. According to the complainant/petitioner, it is a typographical error and amendment was allowed by the impugned order dated 05.04.202. Questioning the same, this Criminal Original Petition has been filed.

2. The learned counsel appearing for the petitioner draws my attention to the paragraph No.20 of the of the Judgment of the Hon'ble Supreme Court in S.R.Sukumar Vs. S.Sunaad Raghuram, reported in (2015) 9 SCC 609. The amendment in that case had been carried out at the pre-cognizance stage and in instant case, the amendment sought to be permitted is at the post cognizance stage. In the said Judgment, in the paragraph No.19, it has been held that if the amendment sought to be made relates to a simple infirmity which is curable by means of a formal amendment and by allowing such amendment, no prejudice would be caused to the other side, the Court may permit such amendment to be made, but the amendment cannot be allowed, if it does not relate to a curable infirmity or infirmity cannot be corrected by a formal amendment or if there is likelihood of prejudice to

the other side.

3. In the case on hand, it is only a typographical error and hence it was permitted to be corrected. I am of the view that the impugned order does not warrant any interference. Therefore, the Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

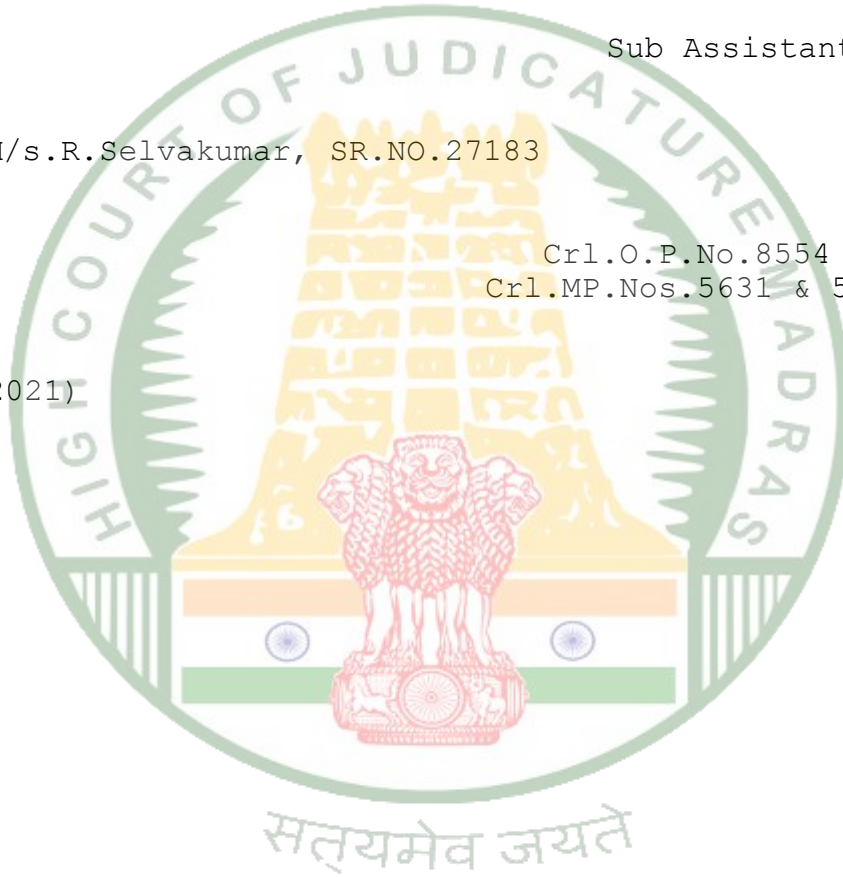
Sub Assistant Registrar

vum/kas

+1 cc to M/s.R.Selvakumar, SR.NO.27183

CrI.O.P.No.8554 of 2021 and
CrI.MP.Nos.5631 & 5632 of 2021

SSN(CO)
NS(13/05/2021)



WEB COPY