



Crl.R.C.(MD) No.380 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.380 of 2023

Jaculine

... Petitioner

Vs.

Deva Anthony Amalan

...Respondent

Prayer : This Criminal Revision has been filed under Section 397(1) r/w 401 of Criminal Procedure Code, to call for the records in Crl.M.P.No.2886 of 2021 in C.C.No.311 of 2017, dated 30.06.2022 pending on the file of the learned Judicial Magistrate, Valliyoor and set aside the same.

For Petitioner : Mr.S.Micheal Heldon Kumar

For Respondent : Mr.R.Saravanan

ORDER

This Criminal Revision Petition is directed against the order passed in Crl.M.P.No.2886 of 2021 in C.C.No.311 of 2017, dated 30.06.2022, dismissing the petition seeking permission to amend the complaint.



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2. It is not in dispute that the respondent/complainant has filed a complaint under Section 200 Cr.P.C., for the alleged offence under Section 138 of Negotiable Instruments Act. Pending trial, the complainant has filed a petition allegedly under Section 482 Cr.P.C., seeking permission of the Court to amend the petition with regard to the bank of the complainant.

3. The petitioner in the affidavit filed in support of the above petition has stated that in the list of documents instead of mentioning Indian Overseas Bank, it has been mentioned as Indian Bank and it is only a typographical error. The learned Judicial Magistrate, after conducting enquiry, has passed the impugned order allowing the petition vide order, dated 30.06.2022.

4. The main contention of the learned counsel for the petitioner is that the provision invoked i.e., 482 Cr.P.C., has no application before the Judicial Magistrate Court and though a specific defence was taken in the counter statement, the same was not considered by the learned Judicial Magistrate.



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5. It is settled law that mere quoting of a wrong provision of law does not disentitle the petitioner from claiming the relief and the Court from granting the relief.

6. Except the above, the petitioner has not canvassed any other reason or ground to impugn the order granting permission for amendment. Hence, this Court concludes that the criminal revision is devoid of merits and the same is liable to be dismissed. Accordingly, is dismissed.

7. Considering the facts that the Calender Case is pending from 2017 onwards, the learned Judicial Magistrate, Valliyoor, is directed to dispose of the case within a period of three months from the date of receipt of copy of this order.

10.04.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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K.MURALI SHANKAR, J.

das

To:-

The Judicial Magistrate, Valliyoor

ORDER MADE IN
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10.04.2023