



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 410 OF 2024

JANARDHAN RAMDHAN RATHOD
VERSUS
RAJU BAPU SHINDE

...
Advocate for the Petitioner : Mr. Suraj Bagal holding for
Mr. Bharat N. Gadegaonkar
...

CORAM : S. G. MEHARE, J.

DATE : 01-08-2024

PER COURT :-

1. Heard the learned counsel for the petitioner/accused.
2. The petitioner has challenged the order of the learned Judicial Magistrate First Class, Ambad, passed below application Exhibit-27 in S.C.C.No.20/2020 dated 16.06.2022 allowing the amendment/correction in complaint and the judgment and order of the learned Additional Sessions Judge, Ambad, passed in Criminal Revision Application No.12 of 2023 dated 01.01.2024.
3. Learned counsel for the petitioner submits that the respondent/complainant led evidence and mentioned the cheque numbers. However, there was variance in the cheque number mentioned in the complaint and verification statement. Thereafter, the application for correcting cheque number was filed. Learned Trial Court allowed the application. Against the said order, the

revision was preferred before the Sessions Court. The learned Sessions Court dismissed the revision. Against the said order, the petitioner is before the Court.

4. Learned counsel for the petitioner submits that the trial is yet not concluded. Whether the Court has jurisdiction to allow the application for correcting the cheque number is legal or proper, may be pointed out in the Court on merit. The petitioner has already raised objection in that matter. Though the application raising objection is rejected, his right to point out illegality to the Court on merit is not taken away. The trial is yet to conclude.

5. In view of that matter, the Court is of the view that the petitioner's right has not been seriously affected. He may point out illegality to the trial Court on merit. At this juncture, there is no substance in the petition. Hence, the writ petition stands dismissed in *limine*.

(S. G. MEHARE)
JUDGE

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