



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL WRIT PETITION NO. 738 OF 2024

Rahul S/o. Ravindra Ratnaparkhi

Vs.

Ahinsa Nagri Sahakari Pathsanstha Ltd. Malkapur

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Mr. A.P. Bhuihar, Advocate for the Petitioner.

CORAM : G. A. SANAP, J.

DATED : 18th SEPTEMBER, 2024.

. Heard the learned advocate for the petitioner.
 Perused the record and proceedings.

2. In this petition, two orders are challenged. The first order is dated 20th September, 2022, whereby the learned Magistrate allowed the amendment for correction of the name of the complainant. The second order is dated 18th January, 2024, whereby the learned Magistrate allowed the application made by the complainant for leading secondary evidence.

3. The learned Magistrate, *vide* order dated 20th September, 2022, considering the fact that the amendment sought for was with regard to the correction of the name and, as such, of a formal nature, was pleased to allow the same. The order was passed on 20th September, 2022. The petitioner/accused is coming before this Court after two years. In my view, the amendment sought for was of a formal nature. The accused, as per the complainant, had borrowed the loan

from the society. There was a mistake at the behest of the advocate while mentioning the name of the society. In this view of the matter, I conclude that, as far as the challenge to this order is concerned, it is not at all sustainable.

4. The second order is dated 18th January, 2024, whereby the learned Magistrate was pleased to allow the petitioner to lead the secondary evidence of the original cheque and bank memo. It is the case of the complainant that these documents have been lost. The learned Judge, as can be seen from the order, has recorded cogent reasons in support of its finding. It is the case of the complainant that the documents have been lost. The learned Magistrate was satisfied that a case was made out for granting permission to lead the secondary evidence.

5. On going through the record and proceedings and the order passed by the learned Magistrate, I am satisfied that no interference is warranted in these two orders. I do not find any substance in this petition. As such, the petition is **dismissed**.

(G. A. SANAP, J.)

Vijay