



Crl.O.P.No. 7645 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No. 7645 of 2025

Shree Shimavahani Chit Funds (P) Ltd
Rep. By its Manager
Kamaraj,
A-17, Chellam Talkies Road,
Pollachi Town,
Coimbatore District.

..... Petitioner

Vs

C.N.Muruganantham

..... Respondent

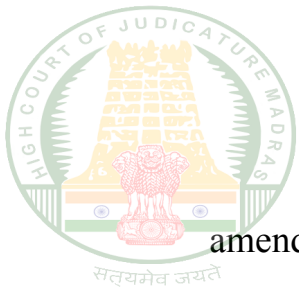
PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order passed by the learned Judicial Magistrate - I, Pollachi, in Crl.M.P.No.13443 of 2023 by its order dated 12.09.2024.

For Petitioners : Mr.M.N.Balakrishnan

For Respondent : Mr.Lourdu Paul Maurya

ORDER

This Criminal Original Petition has been filed challenging the order dated 12.09.2024 passed in Crl.M.P.No.13443 of 2023 by the Judicial Magistrate No.I, Pollachi, thereby dismissing the application to



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amend the date of legal notice in the complaint.

WEB COPY 2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner is the complainant and the respondent is the accused in the complainant lodged by the petitioner for the offence under Section 138 of the Negotiable Instruments Act. In the complaint, the petitioner inadvertently mentioned an incorrect date for the the legal notice. After filing the proof affidavit, the petitioner came to know that the legal notice date was wrongly mentioned. Therefore, the petitioner filed an application to amend the date of the legal notice in the complaint. However, the petitioner did not file any application to amend the date of legal notice in the proof affidavit. Therefore, the Trial Court dismissed the petition.

4. The learned counsel for the petitioner would submit that even during cross examination, the petitioner admitted that the date of the legal notice was wrongly mentioned in the complaint. It shows that the petitioner inadvertently mentioned the date of the legal notice in the complaint. Further, the failure to seek an amendment in the proof



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affidavit should not be a ground for dismissing the application.

WEB COPY 5. In view of the above, the order dated 12.09.2024 passed in CrI.M.P.No.13443 of 2023 by the Judicial Magistrate No.I, Pollachi, is hereby set aside. Accordingly, this Criminal Original Petition stands allowed. The Petitioner is directed to file a fresh application to amend the date of the legal notice in both the complaint and the proof affidavit within a period of one week from the date of receipt of a copy of this order. On receipt of such application, the Trial Court is directed to allow the same and proceed with the trial.

01.04.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
Lpp

To
The Judicial Magistrate No.I,
Pollachi.



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G.K.ILANTHIRAIYAN, J.

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