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Crl. MP No.12343 of 2026
in Crl. OP No.21346 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2026

CORAM

THE HON'BLE MR.SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE G.ARUL MURUGAN

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1. Assistant Director,
Directorate of Enforcement, Chennai
Zonal Office -II, 3rd Floor, III Block, B
Wing, Shastri Bhavan, No.26, Haddows
Road, Chennai - 600 006.

Petitioner(s)

Vs

1. Kumar Ganesha Perumal
S/o. Ramachandran, Door No.23, 4th
Street, Yamuna Homes, Parameswari
Nagar, Adyar, Chennai - 600 020.

Respondent(s)

For Petitioner(s): Mr.S.Sasikumar,
Spl. Public Prosecutor
for ED cases



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ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

This application has been filed to recall the order dated 18.01.2021 passed in Crl. OP No.21346 of 2016. The said Crl. OP was allowed and paragraph 16 of the order reads as under:

"16. In the result, this petition is allowed and the proceedings in C.C.No.13 of 2015 on the file of the Principal Sessions Judge, Chennai, (Special Court Formed under Section 43(1) of the Prevention of Money Laundering Act, 2002) is hereby quashed insofar as this petitioner is concerned. Consequently, connected Crl.MP.Nos.14059 & 9892 of 2016 are closed. Kumar Ganesa Perumal shall deposit the balance amount of Rs.4,89,271/- in the Principal Sessions Court, Chennai (Special Court Formed under Section 43(1) of the Prevention of Money Laundering Act, 2002) within three months from the date of receipt of a copy of this order and on such deposit, any encumbrance of his property on account of the prosecution shall stand removed."

2. From the aforesaid order, we find that the Division Bench had quashed the complaint in C.C.No.13 of 2015 and also observed that if the balance amount of Rs.4,89,271/- is deposited under Section 43(1) of the Prevention of Money Laundering Act, 2002 within three months,



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any encumbrance of the property on account of the prosecution shall stand removed.

3. The respondent herein had earlier approached this Court in Crl.MP No.19068 of 2023 seeking extension of time granted in Crl.OP No.21346 of 2016 to deposit the balance amount. This Court, vide order dated 12.12.2023, granted extension of time to deposit the balance amount along with interest at the rate of 24% per annum with effect from 03.06.2021. Since the respondent had not paid the said amount, despite the orders of this Court, the petitioner has filed the present application seeking recall of the order dated 18.01.2021, for non-compliance of the direction of this Court.

4. Registry has raised objection on the ground of maintainability of the petition, in view of Section 362 of Cr.P.C./403 of BNSS.

5. Section 362 of the Code of Criminal Procedure, 1973, stipulates as follows:

"No court, after signing its judgment or final order disposing of a case, can alter or review it, except to correct a clerical or arithmetical error."



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As per the aforesaid provision, this Court has no power to alter or review the order except to correct any clerical or arithmetical error, after the case has been disposed of by a judgment or final order. In the present case, we find no such clerical or arithmetical error crept in the order dated 18.01.2021.

In view of the aforesaid bar under Section 362 Cr.P.C., this application is not maintainable. Accordingly, this application stands dismissed as not maintainable.

(SUSHRUT ARVIND DHARMADHIKARI, CJ.) (G.ARUL MURUGAN, J.)
31.07.2026

sra



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The Hon'ble Chief Justice
and
G.Arul Murugan, J.

(sra)

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