

In the High Court of Judicature at Madras

Dated: 07.12.2016

Coram

The Honourable Mr.JUSTICE R.MAHADEVAN

Crl.O.P.No.26186 of 2016

J.Stalin Koilraj

.... Petitioner

Vs.

State rep. By
Inspector of Police,
K-4, Anna Nagar Traffic Investigation,
Chennai.

.. Respondent

Prayer:Criminal Original Petition filed under section 482 of Cr.P.C. to direct the learned VI Metropolitan Magistrate, Allikulam, Chennai, to amend the Door No. in the address of accused as Door No.16A/51 instead of Door No.162/51 in the judgment in C.C.No.2416 of 2015 dated 26.08.2015 by setting aside the order dated 24.11.2016 passed by learned VI Metropolitan Magistrate, Allikulam, Chennai.

For Petitioner : Mr.M.Madhan Kumar

For Respondent : Mr.C.Emalias

Additional Public Prosecutor

O R D E R

The prayer in this petition is to direct the learned VI Metropolitan Magistrate, Allikulam, Chennai, to amend the Door No. in the address of accused as Door No.16A/51 instead of Door No.162/51 in the judgment in C.C.No.2416 of 2015 dated 26.08.2015 by setting aside the order dated 24.11.2016 passed by learned VI Metropolitan Magistrate, Allikulam, Chennai.

2.The claim of the petitioner is that the door number of the petitioner's address has been wrongly entered as D.No.162/51 instead of D.No.16A/51 in the judgment dated 26.08.2015 in C.C.No.2416 of 2015, which is nothing but an error apparent on the face of record. The petitioner filed a petition in M.P.No.2520 of 2016, for amendment of the door number of his residential address and the same was dismissed stating that the court has no power to alter the final order. Aggrieved against the same, the petitioner has come up with this petition.

3.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the respondent.

4. Section 362 of Cr.P.C. reads as follows:

"362. Court not to alter judgment.

Save as otherwise provided by this Code or by any other law for the time being in force, no court when it has signed its judgment or final order disposing of a case, shall after or review the same except to correct a clerical or arithmetical error."

5. Section 362 Cr.P.C. empowers court to correct an arithmetical or clerical error apparent on the face of the record. The claim of the petitioner to correct the wrongly entered door number is nothing but an error apparent on the face of the record. Under such circumstances, the same can be corrected and necessary orders shall be passed.

6. In the above circumstances, this court is inclined to set aside the impugned order and to remit the matter back for passing appropriate orders in line with Section 362 Cr.P.C. Accordingly, the impugned order dated 24.11.2016 M.P.No.2520 of 2016 is set aside and the matter is remitted back to the learned VI Metropolitan Magistrate for passing orders afresh under section 362 Cr.P.C. upon perusal of the documentary evidence. Such exercise shall be completed within a period of four weeks. The criminal original petition is ordered accordingly.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police,
K-4, Anna Nagar Traffic Investigation,
Chennai.

2. The VI Metropolitan Magistrate
Allikulam Chennai

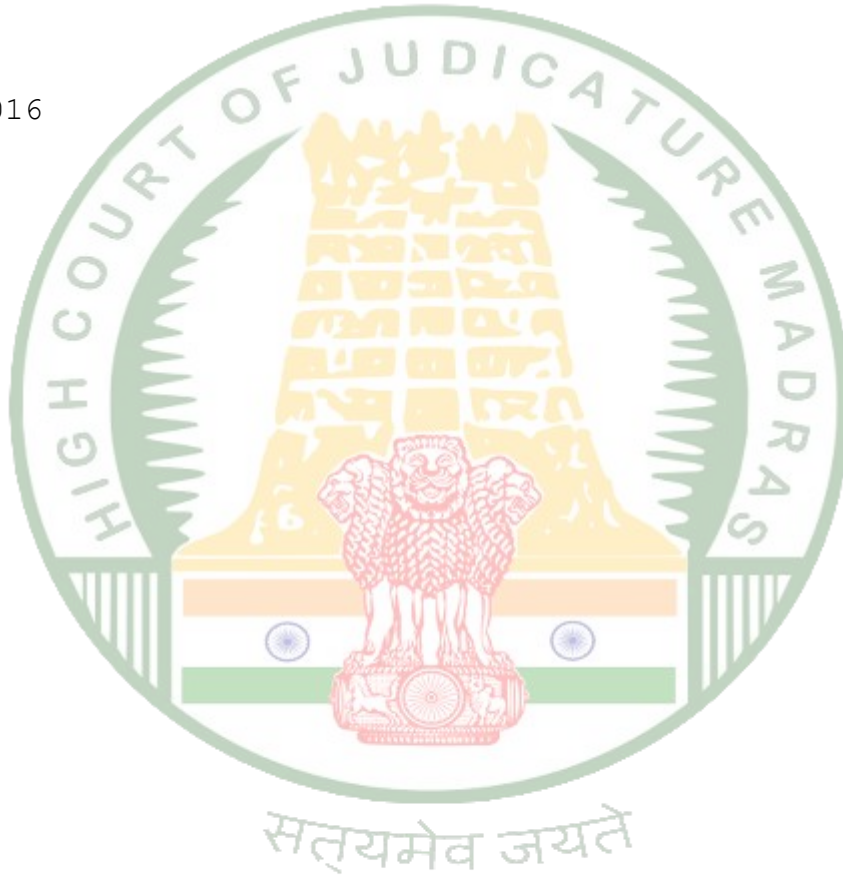
3. do-Thro The Chief Metropolitan Magistrate
Egmore

4.The Additional Public Proecutor
High Court Chennai-104

+1 cc to Mr.M.Madankumar Advocate sr 71874

Cr1.O.P.No.26186 of 2016

rj(co)
aa20/12/2016



WEB COPY