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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.13465 of 2021

K.Premkumar, M/A 33 years,
S/o.Kamaraj

... Petitioner/Petitioner

Vs.

State rep by
The Inspector of Police,
Meensurthy Police Station,
Ariyalur District.
(Crime No.407 of 2021)

... Respondent/Respondent

Prayer: Criminal Original Petition has been filed under Sections 482 r/w 439(1)(b) of the Code of Criminal Procedure, to modify the offence under Section 21(1) of Mines and Minerals (Regulation and Development) Act, 1957 instead of 22(1) of Mines and Minerals (Regulation and Development) Act, 1957 in Crl.M.P.No,2440 of 2021 dated 26.07.2021 passed by the learned Principal Sessions Judge, Ariyalur.

For Petitioner : Mr.A.P.Sathyamurthy

For Respondent : Mr.C.E.Pratab
Government Advocate (Crl.Side)

O R D E R

(The case has been heard through video conference)

This Criminal Original Petition has been filed seeking to modify the offence to one under Section 21(1) of Mines and Minerals (Regulation and Development) Act, 1957 instead of 22(1) of Mines and Minerals (Regulation and Development) Act, 1957 in Crl.M.P.No,2440 of 2021 dated 26.07.2021 passed by the learned Principal Sessions Judge, Ariyalur..

2. The learned counsel for the petitioner would submit that the lower Court, had granted bail to the petitioner vide order dated 26.07.2021 in Crl.M.P.No.2440 of 2021, He further submits that while furnishing sureties before the learned Judicial Magistrate Court No.II, Jayankondam, the sureties were not accepted because of the reason that instead of mentioning



Section 21(1) of Mines and Minerals (Regulation and Development) Act, 1957 in the bail order Section 22(1) of Mines and Minerals (Regulation and Development) Act 1957 has been mentioned. Though, the petitioner had moved a petition for amendment before the learned Principal Sessions Judge, Ariyalur. The Court below declined to amend and returned the petition as not maintainable. Hence, the petitioner has filed the present modification petition before this Court.

3. Heard both sides.

4. Considering the submission made by the learned counsel for the petitioner, this Court is inclined to modify the offence to one under Sections 21(1) of Mines and Minerals (Regulation and Development) Act, 1957 and the facts that instead of 22(1) of Mines and Minerals (Regulation and Development) Act 1957 has been wrongly mentioned in the bail order.

5. Accordingly, the offence mentioned as 22(1) of Mines and Minerals (Regulation and Development) Act 1957 in the order passed by the learned Principal Sessions Judge, Ariyalur in CrI.MP.No.2440 of 2021 dated 26.07.2021 shall stand amended as Section 21(1) of Mines and Minerals (Regulation and Development) Act, 1957. The other conditions imposed by the Court below shall stand unaltered.

6. In view of the above, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

msrm

To

1. The learned Principal Sessions Judge,
Ariyalur.
2. The Inspector of Police,
Meensurthy Police Station,
Ariyalur District.
3. The Public Prosecutor,
Madras High Court.

+1cc to Mr.A.P.Sathyamurthy, Advocate, S.R.No.37285

CrI.O.P.No.13465 of 2021

KJ(CO)

HS(05/08/2021)