



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Ninth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.17248 of 2021

S.PAZHANIMURUGAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
NELLIKUPPAM POLICE STATION,
PANRUTTI TALUK,
CUDDALORE DISTRICT
(CRIME NO.586/2021)

[RESPONDENT]

This petition having been posted this day for being mentioned pursuant to the order of this Court dated 17.09.2021 and made herein and in the presence of M/S S.ARUNKUMAR Advocate for the Petitioner and of MR. A.GOPINATH, Govt. Advocate (Crl. Side) on behalf of the Respondent, the Court made the following order:.

The matter is listed today under the caption "For Being Mentioned" at the instance of the learned counsel for the petitioner.

2. This Court paid its attention to the submissions advanced by the learned counsel for the petitioner.

3. It is to be pointed out the matter is listed today under the caption "For being Mentioned. However, the above submissions of the petitioner clearly reveals that the petitioner is re-arguing the case afresh on merits, which is impermissible. If really the petitioner is aggrieved with any order passed by this Court, the avenue available to the petitioner is to appeal against the said order and under the garb of mentioning, the petitioner cannot re-argue the case.

4. Though it is the case of the petitioner that for similar type of offence, this Court has granted anticipatory bail, which has been declined to the petitioner, it is to be pointed out that in criminal matters, each and every case would stand on a different footing and



merely because the Section of Offence is one and the same between two cases, that would not in any way give a benefit to the petitioner to claim that the petitioner is also entitled to the benefit of anticipatory bail, as for similar type of offence, this Court had granted anticipatory bail. Further is to be pointed out that this Court has recorded a categorical finding that there is no change of circumstance, which necessitates reconsideration of the petitioner. If the petitioner is aggrieved by any of the findings recorded by this court, the petitioner has to approach the high forum assailing the said findings and cannot come before this Court with a prayer to modify its order, as the said approach is impermissible in law. Further the bar envisaged u/s 362 of Cr.P.C also operates and therefore, the submissions of the petitioner cannot be entertained as there is no clerical or typographical or arithmetical error, which is pointed out in the order which requires corrections.

5. For the reasons aforesaid, no further order is required to be passed in this petition.

-sd/-
29/09/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE INSPECTOR OF POLICE,
NELLIKUPPAM POLICE STATION,
PANRUTTI TALUK, CUDDALORE DISTRICT

2 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE, CUDDALORE
DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S S.ARUNKUMAR Advocate on payment of necessary charges

CRL OP.17248/2021

Date :29/09/2021

RW 05/10/2021