



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Tenth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI

CRIMINAL MISCELLANEOUS PETITION No.2425 of 2022

IN CRL OP.406 of 2022

R.MANIKANDAN

[PETITIONER / ACCUSED]

Vs

THE STATE REPB BY
INSPECTOR OF POLICE,
W-30, ALL WOMEN POLICE STATION,
POONAMALLE, CHENNAI-600 056
(CRIME NO.32 OF 2021)

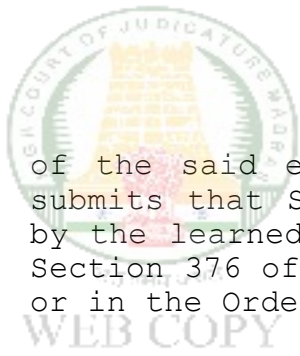
[RESPONDENT / COMPLAINANT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Amend the Sec 354(c), 417, 420, 506(ii) of IPC, 1860 and Sec 4 of Tamil Nadu Prohibition of Harassment of Women Act 2002 and include Sec 376 of IPC in the above Crl.OP.406/20221 order dated 10.01.2022

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S S.AKASH, Advocate for the petitioner and of MR.L.BASKARAN, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

This Miscellaneous Petition has been filed by the petitioner to amend the Sections as 354 (c), 417, 420, 506(2) of IPC, 1860 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act 2002 and include Section 376 of IPC in the above Crl.OP.No.406 of 2022 dated 10.01.2022 on the file of this Court.

2. The learned counsel for the petitioner has submitted that as per the directions of this Court, the petitioner along with two sureties were present before the learned Judicial Magistrate-I, Poonamalle on 10.02.2022,. The surety bonds executed by the petitioner was returned by the learned Magistrate by stating that neither the FIR nor the Order of this Court dated 10.01.2022 in Crl.OP.No.406 of 2022 reflected the offence under Section 376 of IPC,1860 and thus in view



of the said error, the order copy requires corrections. He further submits that Section 376 of IPC, 1860 was added in the remand report by the learned Magistrate and was remanded to Judicial Custody. Thus, Section 376 of IPC, 1860 was omitted to be mentioned either in the FIR or in the Order.

3. The learned Government Advocate (Crl.Side) has submitted that the petitioner, knowingly suppressed the fact that the case has been altered by including the offence under Section 376 IPC and obtained anticipatory bail. He has further submitted that the petitioner has filed the present amendment petition as the surety bonds executed by him were returned by the Magistrate Court stating that the offence under Section 376 IPC has not been reflected in the FIR. Therefore, the learned Government Advocate (Crl. Side) prays for dismissal of this petition.

4. Considering the gravity of offence as well as the alteration report , this Criminal Miscellaneous Petition is dismissed with liberty to file a fresh petition for bail by including the offence under Section 376 IPC.

-sd/-
10/03/2022

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 JUDICIAL MAGISTRATE,
NO.I, POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
W-30, ALL WOMEN POLICE STATION,
POONAMALLE, CHENNAI



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

WEB COPY

C.C. to M/S S.AKASH Advocate on payment of necessary charges

Order
in
CRL MP.2425/2022
in
CRL OP.406/2022

Date :10/03/2022

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

JPA 22/03/2022