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Crl.O.P.No.25872 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.25872 of 2023

INDIAN BANK,
Stressed Asset Management Branch,
Chennai.
Rep. By its Authorised Officer,
Mr.T.Sahadeva

... Petitioner

Vs.

1. M/s. Alumet Coats Inc.
2. P.Inbaraj
3. R.Hemanth Swaroup Raja
4. Ramesh Chander Raja

....Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleased to direct the learned Chief Judicial Magistrate, Tiruvallur to taken on file and number the unnumbered Crl.M.P.No.4125 of 2023 in Crl.M.P.No.5806 of 2021 on the file of the learned Chief Judicial Magistrate, Tiruvallur.

For Petitioner : Mr.D.Babu Varadharajan



ORDER

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Petition is filed challenging the docket order passed by the learned Chief Judicial Magistrate, Tiruvallur.

2. Petitioner herein is a bank sought for direction to take physical possession of the property under SARFAESI ACT by appointing Advocate Commissioner and to order Officer Incharge of T7 Tank Factory Police Station and Revenue Authority to assist and break open the lock if any. This application was allowed by the learned Chief Judicial Magistrate, Tiruvallur on 20.06.2023. Thereafter, petitioner has filed application to amend the order to substitute Nolambur Police instead of Tank Factory Police. The learned Judge having gone through the petition to amend the order as found that, there is no typographical error or arithmetic error on the basis of record and therefore, petition to amend cannot be entertained.

3. The learned counsel for the petitioner herein being aggrieved by the said order has filed the present petition seeking direction to the learned Chief Judicial Magistrate, Tiruvallur to take the petition for amendment on file and pass appropriate order.



4. Whether substituting one police station by another police station is a typographical error or arithmetic error, is a point under consideration. The records indicate that, the learned Chief Judicial Magistrate has directed the Officer in charge of T7 Tank Factory Police Station to provide protection for taking possession of the property as per the SARFAESI Act. This is in accordance with the averment and prayer sought by the petitioner herein. While so, if jurisdiction police is not T7 Police Station, then necessary amendment must be made in his petition not in the order of the learned Chief Judicial Magistrate. Whereas petitioner herein instead of amending his petition has sought for amendment of the order which cannot be entertained. Hence, the learned Chief Judicial Magistrate has rightly declined to take the petition on file. Thus, present petition is devoid of merits.

5. Accordingly, this Criminal Original petition is dismissed.

10.11.2023

Index : Yes/No

Neutral Citation : Yes/No

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Dr.G.JAYACHANDRAN,J.

Sma

To

The Chief Judicial Magistrate, Tiruvallur

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