



WEB COPY



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 6.1.2025

CORAM

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.26152 of 2024
and
Crl.M.P.Nos.16691 and 16693 of 2024

1. Rajesh @ Rajesh Kumar
2. Karunakaran

Petitioners

vs.

State rep by the
Inspector of Police,
Kandili Police Station,
Kandili, Tirupathur District.
(Crime No.537 of 2024)

Respondent

Criminal Original Petition filed under Section 482 of BNSS seeking to enlarge the petitioner on bail in the event of his arrest in Crime No.302 of 2024 on the file of the Inspector of Police, Pallikonda Police Station, Pallikonda, Vellore District.

For Petitioners : Mr.Vinodh Kumar

For Respondent : Mr.S.Santhosh,
Government Advocate (Crl. Side)

ORDER

The criminal original petition, having been disposed by order of this court dated **28.10.2024** by granting anticipatory bail to the petitioners, now, stands posted under the caption **"for being**



mentioned" at the instance of the learned counsel for the petitioner, who claims issuance of order copy by the Registry without carrying out the amendment despite the directions given by this court on the previous hearing viz., on 19.12.2024, when the matter was listed under the same caption **"for being mentioned"**.

2. The mystifying background for the matter being listed repeatedly under the caption **"for being mentioned"**, elicited from the materials available on record, is narrated as under:-

i) The main criminal original petition had been disposed on 28.10.2024 granting anticipatory bail to the petitioners. The court, which had to be satisfied with the sureties, was mentioned as Judicial Magistrate V, Vellore as denoted in the petition itself.

ii) Later, the petitioners had come up with two petitions, one in CrI.M.P.No.16691 of 2024 intending to amend the same as Judicial Magistrate II, Thirupathur instead of Judicial Magistrate V, Vellore, however, it appears to have been filed **with a prayer vice versa** and the other in CrI.M.P.No.16693 of 2024 seeking extension of time to comply with the order.

iii) On the basis of misrepresentation, an order came to be passed by this court on 28.11.2024 ordering for amendment and



extending the time for complying with the order by two weeks from the date on which that order copy would be made ready.

iv) Finding that the order, reflecting the wrong prayer quoted in the amendment petition, is not beneficial, learned counsel for the petitioner, had brought the matter **"for being mentioned"** on 19.12.2024 and by producing a copy of the order, which is the outcome of his amendment petition with a wrong prayer, had submitted that the office had not complied with the direction of the court.

v) A perusal of the materials available would show that in the meanwhile, the learned counsel had, somehow, managed to correct the prayer in the amendment petition in CrI.M.P.No.16691 of 2024, which was originally written vice versa, to make an impression that the office has omitted to comply with the direction of this court to carry out the amendment.

vi) Based on the misrepresentation of the learned counsel, the Registry was, once again, directed to carry out the amendment, by order dated 19.12.2024 and time to execute the sureties was extended by one week from 20.12.2024.



vii) Subsequent to the above order, though the order copy appears to have been made ready with necessary amendment, the learned counsel for the petitioner, having not received such order copy due to his non filing of copy application, had once again moved this court for listing of the case under the caption "**for being mentioned**" and when the matter was taken up, had sought to find fault with the registry.

3. An exploration into the issue further reveals that the main criminal original petition itself was filed with a prayer quoting the **Crime Number as 302 of 2024** on the file of the Inspector of Police, Pallikonda Police Station, Pallikonda, Vellore District while the cause title reflects the respondent viz., Inspector of Police, Kandili Police Station, Kandili, Tirupathur District with **Crime Number as 537 of 2024**. No amendment was also sought for in respect of the above deviation.

4. The above discrepancy shows that mistakes had crept in from the inception and at all levels and the petitioner could not be benefited by the order granted by this court due to the mishmash made in filing the petitions.



5. In view of the above, the orders dated 28.11.2024 and 19.12.2024 passed by this court in CrI.M.P.Nos.16691 and 16693 of 2024 are recalled and the said petitions are dismissed, leaving it open to the petitioners to file proper petitions for amendment and extension of time, if they are so advised or the circumstances so warrant.

6.1.2025.

Index: Yes/No.
Internet: Yes/No.
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To

1. Judicial Magistrate II,
Thirupathur.
2. Judicial Magistrate V,
Vellore.
3. Chief Judicial Magistrate,
Vellore.
4. The Inspector of Police,
Kandili Police Station,
Kandili, Tirupathur District.
5. The Inspector of Police,
Pallikonda Police Station,
Pallikonda, Vellore District.
6. The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA, J.

Ssk.

Crl.O.P.No.26152 of 2024 and
Crl.M.P.Nos.16691 and 16693 of 2024

6.1.2025.