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Crl.M.P.No.14771 of 2025
in Crl.O.P.No.18700 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2025

CORAM

THE HON'BLE DR.JUSTICE G.JAYACHANDRAN

Crl.M.P.No.14771 of 2025
in Crl.O.P.No.18700 of 2025

Sivapathiran @ Sappai Siva

... Petitioner

Vs.

The Inspector of Police,
Ngapattinam Town Police Station,
Nagapattinam District.
(Crime No.595 of 2021).

... Respondent

PRAYER : Criminal Miscellaneous Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to amend the provision of offence as 449, 342, 506(ii), 147, 148, 120(B), 109 & 302 IPC instead 449, 342, 506(ii), 147, 148, 120, 109 IPC in Crl.O.P.No.18700 of 2025 dated 04.07.2025.

For Petitioner : Mr.P.Muthaizhselvakumar

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)



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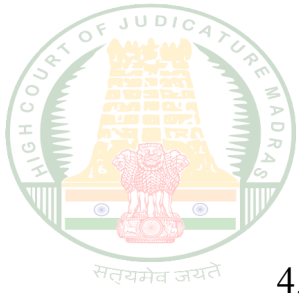
ORDER

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This petition has been filed to amend the provision of offence as 449, 342, 506(ii), 147, 148, 120(B), 109 & 302 IPC instead 449, 342, 506(ii), 147, 148, 120, 109 IPC in Crl.O.P.No.18700 of 2025 dated 04.07.2025.

2. Heard the learned counsel for petitioner.

3. The petitioner herein is the accused in Crime No.595 of 2021 for the offences under Sections 449, 342, 506(ii), 147, 148, 120(B), 109 & 302 IPC. During trial in SC.No.109 of 2022, he has not appeared before the trial Court and therefore, the petitioner was secured on issuance of Non-Bailable Warrant after three years. Before this Court suppressing those facts and the offence under Section 302 IPC, this petitioner had obtained bail in Crl.O.P.No.18700 of 2025 dated 04.07.2025.



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4. The learned District and Sessions Judge, Nagapattinam, perused the records and found that the bail granted by this Court was not for offence under Section 302 IPC and not accepted the sureties. Therefore, the petitioner has come before this Court seeking amendment of the provision to include offence under Section 302 IPC.

5. This Court finds that the petitioner had deliberately suppressed the vital fact particularly major offence for which he had been secured on issuance of Non-Bailable Warrant. Considering his long abscondence and the conduct to get the bail suppressing the fact, indicates that if he is released on bail, he will not be available for trial. Hence, this Criminal Original Petition stands dismissed. The order passed by this Court on 04.07.2025 without including the major offence of Section 302 IPC is also hereby recalled.

22.08.2025

dna



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Dr.G.JAYACHANDRAN, J.

dna

To

1.The Inspector of Police,
Ngapattinam Town Police Station,
Nagapattinam District.
(Crime No.595 of 2021).

2.The Public Prosecutor,
High Court of Madras.

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