

Crl.RC.(MD) No.1233 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.07.2026

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL.RC.(MD) NO.1233 of 2026

and

CrI.M.P.(MD)No.14903 of 2026

Ramkumar

.... Petitioner

Vs.

State of Tamilnadu,
Rep by. the Inspector of Police,
Thanjavur Medical College
Hospital Police Station,
Thanjavur District.
(Crime No. 2 of 2026)

....Respondent

Prayer: Criminal Revision Petition, filed under section 438 r/w 442 of BNSS, to call for the records and set aside the order dated 13.07.2026 made in Cr.M.P.112 of 2026 on the file of the learned Judicial Magistrate No.II, Thanjavur and allow the Criminal Revision.

For Petitioner : Mr.A.Arunprasad

For Respondent : Mr.C.Susikumar
Government Advocate(Crl.Side)



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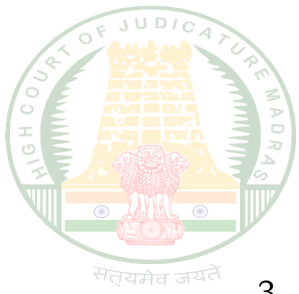
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ORDER

Gamut of the issue:

The present Criminal Revision challenges the legality and correctness of the order dated 13.07.2026 passed by the learned Judicial Magistrate No.II, Thanjavur, in Cr.M.P.No.112 of 2026, whereby the petitioner was found to have violated a bond executed under Section 126 BNSS and was consequently ordered to undergo detention until the expiry of the bond period besides being directed to forfeit a sum of Rs.1,00,000/- to the Government.

2. The challenge is not founded merely upon appreciation of evidence. Rather, it raises a more fundamental issue concerning the procedural legitimacy of the enquiry itself. The petitioner contends that notwithstanding repeated attempts to examine defence witnesses, the learned Magistrate proceeded to pronounce the impugned order without granting him an effective opportunity to lead defence evidence, thereby rendering the entire enquiry violative of the principles of natural justice and Article 21 of the Constitution.



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3. The respondent, on the contrary, seeks to sustain the impugned order by placing reliance upon the subsequent registration of Crime No.2 of 2026 during the currency of the bond and upon the judgment of the Hon'ble Supreme Court in ***Devadassan v. Second Class Executive Magistrate, Ramanathapuram***¹, contending that the statutory procedure had been substantially complied with and that no interference is warranted in revisional jurisdiction.

4. Thus, the controversy is not confined merely to the existence of a subsequent criminal case but extends to the larger question whether a Judicial Magistrate can record a finding of breach of bond resulting in incarceration without first permitting the person concerned to adduce such defence evidence as he may legitimately seek to produce in support of his innocence.

Factual matrix:

5. The petitioner is stated to have executed a peace bond under Section 126 BNSS pursuant to preventive proceedings initiated by the competent authority. According to the prosecution, the bond

¹ Criminal Appeal No.388 of 2022



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commenced on 15.10.2025 and was to remain in force till
14.10.2026.

6. During the subsistence of the said bond, Crime No.2 of 2026 came to be registered against the petitioner for offences under Sections 329(4), 296(b), 324(2), 118(1) and 351(3) of the Bharatiya Nyaya Sanhita read with Section 25(1-B) of the Arms Act. On the strength of the said registration, the respondent police initiated proceedings before the learned Judicial Magistrate under Section 141(1)(b) BNSS alleging breach of the bond.

7. Notice was issued to the petitioner. During the enquiry, the prosecution examined three witnesses, namely the Revenue Divisional Officer who proved execution of the bond, the Sub-Inspector of Police who registered the FIR, and the Investigating Officer who conducted the investigation. The bond and the FIR were marked as exhibits on the side of the prosecution.

8. The petitioner contested the proceedings by contending, *inter alia*, that all the prosecution witnesses were official witnesses;

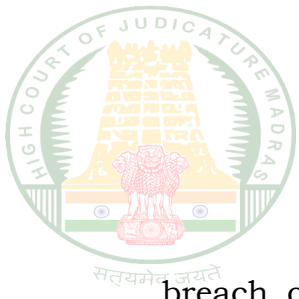


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that no independent witness had been examined to establish the alleged breach; that mere registration of an FIR could not constitute proof of breach; and that he should be afforded an opportunity to examine witnesses in defence.

9. According to the revision petitioner, even prior to the pronouncement of orders, a memo had been filed seeking permission to summon defence witnesses. It is his specific grievance that such request was not considered on merits and that the learned Magistrate proceeded to pronounce the impugned order without affording him a reasonable opportunity to establish his defence. The petitioner further asserts that although the petition seeking permission to examine defence witnesses had been presented before commencement of the Court proceedings on 13.07.2026, the impugned order proceeded on an erroneous factual premise that the request had been made only after the order had already been pronounced.

10. By the impugned order dated 13.07.2026, the learned Judicial Magistrate concluded that the petitioner had committed

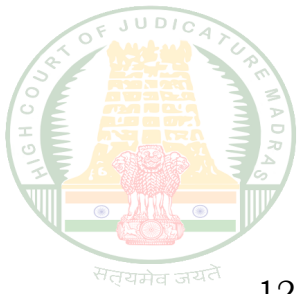


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breach of the bond, directed his detention till expiry of the bond period, ordered forfeiture of Rs.1,00,000/- and simultaneously dismissed the petition seeking examination of defence witnesses on the ground that the proceedings had already culminated in the pronouncement of the order.

Gist of the impugned order:

11. The learned Judicial Magistrate, upon appreciation of the prosecution evidence, held that the subsequent registration of Crime No.2 of 2026 during the currency of the peace bond constituted sufficient material to infer breach of the conditions of the bond. The Court further observed that proceedings under Section 141(1)(b) BNSS are distinct from a regular criminal trial and that the standard of proof required therein is comparatively lower, akin to proceedings relating to cancellation of bail. The Court also invoked Illustration (e) to Section 119 of the Bharatiya Sakshya Adhiniyam to presume regularity of official acts and consequently declined to draw any adverse inference from the absence of independent witnesses.



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12. The learned Magistrate ultimately directed the detention of the petitioner until the expiry of the bond period and ordered forfeiture of the bond amount. While doing so, the Court also rejected the petitioner's request to examine defence witnesses by observing that the order had already been pronounced earlier in the day and that a criminal court could not thereafter revisit its own order.

Grounds of criminal revision:

13. Aggrieved by the aforesaid order, the petitioner has preferred the present Criminal Revision principally contending that the impugned order is vitiated by violation of natural justice, denial of reasonable opportunity to adduce defence evidence, erroneous reliance upon mere registration of an FIR as constituting proof of breach, absence of independent evidence, improper reliance upon previous criminal cases, unlawful forfeiture of the bond amount without separate enquiry and infringement of the guarantee of personal liberty under Article 21 of the Constitution of India. The petitioner further contends that the learned Magistrate materially erred in refusing permission to summon defence witnesses despite



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the request having been made prior to pronouncement of the order, thereby rendering the entire enquiry fundamentally unfair.

Submissions on behalf of the revision petitioner:

14. The learned counsel appearing for the revision petitioner, assailed the impugned order as being contrary to the mandate of the Bharatiya Nagarik Suraksha Sanhita, the principles of natural justice and the constitutional guarantee under Article 21 of the Constitution of India. According to the learned counsel, the entire enquiry conducted by the learned Judicial Magistrate stood vitiated for want of a fair opportunity to the petitioner to defend himself.

15. Elaborating his submissions, the learned counsel contended that the learned Magistrate has proceeded on a fundamentally erroneous premise that the mere registration of Crime No.2 of 2026 *ipso facto* established breach of the bond executed under Section 126 BNSS. Such an approach, according to him, completely overlooks the settled distinction between an accusation and proof. Registration of an FIR merely sets the criminal law in motion; it neither establishes the commission of an offence nor



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conclusively proves breach of the bond. Until the allegations are tested in accordance with law, they remain only accusations incapable of constituting substantive proof.

16. The learned counsel would further submit that proceedings under Section 141(1)(b) BNSS culminate in deprivation of personal liberty. Consequently, the enquiry cannot be reduced to an empty ritual or a mechanical confirmation of the allegations contained in an FIR. Though the proceedings may not amount to a full-fledged criminal trial, they nevertheless require a judicial determination founded upon legally admissible materials and compliance with the minimum requirements of procedural fairness.

17. It was further argued that every witness examined by the prosecution was an official witness. The Revenue Divisional Officer merely proved execution of the bond. The remaining witnesses were police officials connected with registration and investigation of the subsequent crime. Not a single independent witness was examined to establish that the petitioner had actually indulged in any conduct constituting breach of the bond. The learned Magistrate, according to



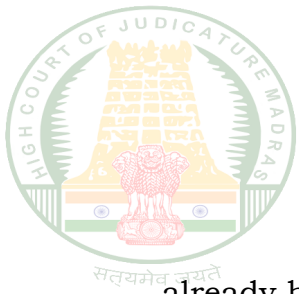
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the petitioner, accepted the prosecution version solely on the basis of official testimony without subjecting the allegations to independent scrutiny.

18. The principal grievance projected by the learned counsel concerns the denial of opportunity to examine defence witnesses. It was submitted that on 02.07.2026 itself the petitioner had sought time to examine witnesses on his behalf. Though such request was rejected, the petitioner challenged the said order before this Court and, while disposing of the proceedings, liberty was reserved to work out his remedy before the learned Magistrate. Availing the said liberty, the petitioner presented an application seeking permission to examine defence witnesses on 13.07.2026 itself, well before commencement of the effective proceedings.

19. According to the learned counsel, the impugned order incorrectly records that the petition seeking examination of defence witnesses was presented only at about 3.00 p.m., after pronouncement of the order. This factual recital, according to him, is demonstrably incorrect. It is submitted that the application had



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already been presented during the forenoon before commencement of judicial business and that the learned Magistrate, without considering the application on merits, hurriedly pronounced the impugned order. The petitioner asserts that the actual sequence of events can be independently verified from the CCTV/video footage maintained in the Court premises.

20. Learned counsel would submit that once a party specifically seeks permission to lead defence evidence before conclusion of the enquiry, the Court is duty-bound to consider such request judicially. Refusal to afford such opportunity completely destroys the adversarial character of the enquiry and renders the proceedings one-sided. According to him, denial of defence evidence strikes at the very root of *audi alteram partem* and therefore vitiates the entire enquiry.

21. Learned counsel further contended that the learned Magistrate committed a serious legal error in equating proceedings under Section 141(1)(b) BNSS with proceedings relating to cancellation of bail. The object, scope and consequences of the two



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proceedings are entirely distinct. Cancellation of bail examines whether liberty already granted deserves to be withdrawn pending investigation or trial, whereas proceedings under Section 141(1)(b) culminate in punitive incarceration extending up to the remainder of the bond period. Such serious civil consequences demand a much higher degree of judicial scrutiny.

22. It was next contended that previous criminal cases pending against the petitioner could never have been relied upon as substantive evidence for establishing breach of the present bond. Criminal antecedents, unless culminating in conviction and otherwise relevant in accordance with law, cannot substitute proof regarding the alleged subsequent breach. The learned Magistrate, by observing that the petitioner had several previous criminal cases, allowed himself to be influenced by considerations wholly extraneous to the enquiry under Section 141 BNSS.

23. The learned counsel also assailed the direction directing forfeiture of Rs.1,00,000/- on the ground that no independent enquiry whatsoever had been conducted regarding forfeiture. The



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petitioner was neither issued a separate notice nor afforded any opportunity to show cause as to why the bond amount should not be forfeited. Consequently, the direction relating to forfeiture suffers from violation of statutory safeguards and principles of natural justice.

24. Learned counsel therefore submitted that the cumulative effect of the aforesaid procedural irregularities demonstrates that the enquiry itself stood fundamentally vitiated. Once the enquiry is found to be unfair, every consequential order passed therein necessarily falls to the ground. He therefore prayed that the impugned order be set aside and the matter be remanded for a fresh enquiry after affording full opportunity to the petitioner to summon and examine defence witnesses and produce such documentary evidence as he may be advised.

Submissions on behalf of the respondent:

25. Per contra, the learned Government Advocate (Criminal Side), supported the order passed by the learned Judicial Magistrate and submitted that the impugned order does not suffer from any



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jurisdictional error warranting interference under the revisional jurisdiction of this Court.

26. According to the learned Government Advocate, the proceedings before the learned Judicial Magistrate fully complied with the statutory requirements contemplated under Chapter IX of the BNSS. Notice had been issued to the petitioner; he was represented by counsel throughout the proceedings; prosecution witnesses were examined in his presence; and adequate opportunity was afforded to cross-examine them. Therefore, the petitioner cannot legitimately complain of denial of natural justice.

27. Learned Government Advocate would submit that the prosecution successfully established that the petitioner had executed the peace bond under Section 126 BNSS and that during the subsistence of the said bond he became involved in Crime No.2 of 2026 involving serious offences under the Bharatiya Nyaya Sanhita read with the Arms Act. Such involvement itself furnished sufficient material for the learned Magistrate to arrive at his subjective



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bond.

satisfaction that the petitioner had violated the conditions of the

28. Learned Government Advocate further contended that proceedings under Section 141(1)(b) BNSS cannot be equated with a regular criminal trial. The legislative object of the provision is preventive and not punitive in the conventional sense. Therefore, insistence upon proof beyond reasonable doubt would defeat the very object sought to be achieved by the statute. The learned Magistrate was therefore justified in observing that the standard of proof applicable in such proceedings is not identical to that applicable during a criminal prosecution.

29. Placing reliance upon Illustration (e) to Section 119 of the Bharatiya Sakshya Adhiniyam, it was argued that official acts carry a statutory presumption of regularity. Consequently, merely because independent witnesses were not examined, no adverse inference could be drawn against the prosecution. The evidence of responsible public officials cannot be discarded solely on the ground that they belong to the official machinery.



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30. Learned Government Advocate further submitted that the learned Magistrate rightly took note of the petitioner's criminal antecedents while evaluating the likelihood of breach of peace. Such antecedents, according to him, formed part of the surrounding circumstances relevant for assessing whether the petitioner had honoured the obligations undertaken under the bond.

31. Strong reliance was placed upon the judgment of the Hon'ble Supreme Court in ***Devadassan v. Second Class Executive Magistrate, Ramanathapuram***², wherein the Hon'ble Apex Court upheld proceedings under Section 122(1)(b) Cr.P.C. after finding that the prescribed procedure had been followed and reasonable opportunity had been afforded to the person concerned. It was submitted that paragraph 8 of the said judgment clearly recognises that where the statutory procedure has been complied with, the order directing detention for breach of bond cannot be interfered with merely on general allegations regarding violation of personal liberty.

32. Learned Government Advocate therefore submitted that the learned Magistrate exercised his jurisdiction in accordance with law

² Criminal Appeal No.388 of 2022



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and that no ground has been made out for interference under Sections 397 and 401 Cr.P.C. He accordingly prayed for dismissal of the Criminal Revision Petition.

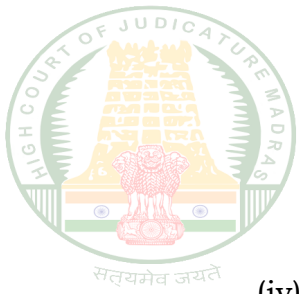
Points for consideration:

33. Upon hearing the rival submissions and upon careful examination of the records placed before this Court, the following questions arise for determination:

(i) Whether the enquiry conducted by the learned Judicial Magistrate under Section 141(1)(b) of the Bharatiya Nagarik Suraksha Sanhita satisfied the requirements of a fair judicial enquiry contemplated by law?

(ii) Whether mere registration of a subsequent FIR during the currency of a peace bond, without more, is sufficient to constitute proof of breach of the bond?

(iii) Whether the refusal to permit the revision petitioner to summon and examine defence witnesses amounts to violation of the principles of natural justice and Article 21 of the Constitution of India?



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(iv) Whether the impugned order dated 13.07.2026 is liable to be interfered with in exercise of the revisional jurisdiction of this Court?

***Statutory scheme under Chapter viii of the Bharatiya
Nagarik Suraksha Sanhita:***

34. Before advertng to the rival submissions, it becomes necessary to examine the legislative architecture governing proceedings for maintenance of public peace under Chapter IX of the Bharatiya Nagarik Suraksha Sanhita. The provisions contained therein are preventive in character and are intended to forestall anticipated disturbances of public tranquillity. They are not designed to punish past misconduct but to secure future good behaviour through execution of security bonds.

35. Nevertheless, once breach of such bond is alleged, the legal consequences assume an entirely different complexion. Proceedings under Section 141(1)(b) BNSS may ultimately culminate in incarceration extending up to the unexpired portion of the bond period. Thus, although preventive in inception, the proceedings



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assume a distinctly punitive complexion at the stage of adjudicating the alleged breach.

36. The expression "judicial enquiry" occurring in the statutory scheme is of considerable significance. The Legislature has consciously entrusted the enquiry to a Judicial Magistrate and not to an executive authority. Such entrustment is neither accidental nor ornamental. It reflects the legislative recognition that deprivation of liberty can be justified only through an independent judicial determination founded upon fairness, objectivity and observance of natural justice.

37. The scope and content of this judicial enquiry, and whether the impugned proceedings satisfy those indispensable requirements, shall now be examined.

Analysis:

38. The revisional jurisdiction of this Court under Sections 397 and 401 of the Code of Criminal Procedure is intended to ensure that subordinate criminal courts act within the bounds of their



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jurisdiction, adhere to the procedure established by law and render decisions free from patent illegality, material irregularity or manifest perversity. Though this Court does not ordinarily re-appreciate evidence as an appellate Court, where the order impugned results in deprivation of personal liberty by adopting a procedure contrary to law, interference becomes not only permissible but imperative.

39. The present case does not invite this Court to reassess the truthfulness of the allegations contained in Crime No.2 of 2026. The enquiry before this Court is far narrower yet constitutionally more significant, namely, whether the petitioner was afforded the fair judicial enquiry contemplated under Section 141(1)(b) BNSS before he was directed to undergo imprisonment till the expiry of the bond period.

Nature of Proceedings under Section 141(1)(b) BNSS:

40. Proceedings under Section 141(1)(b) BNSS constitute a unique category of judicial proceedings. They cannot be equated either with a preventive administrative measure or with an ordinary criminal prosecution. The enquiry commences because of an alleged

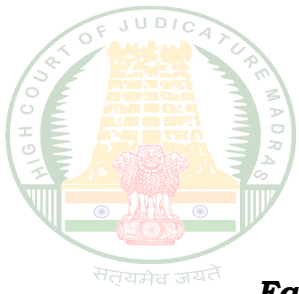


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violation of a preventive bond, but culminates in an order authorising detention for the remainder of the bond period. Such detention is not merely incidental; it directly curtails personal liberty.

41. Consequently, although the enquiry may not be governed by every procedural safeguard applicable to a sessions trial, it nevertheless possesses all the essential attributes of a judicial proceeding. The Judicial Magistrate is expected to independently assess the evidence, hear both sides, permit each party to adduce relevant evidence and arrive at an objective conclusion uninfluenced by mere suspicion or executive opinion.

42. The Legislature has consciously substituted the Executive Magistrate with the Judicial Magistrate for adjudication of breach proceedings. Such legislative change is neither cosmetic nor procedural alone. It signifies the Legislature's recognition that once imprisonment is contemplated, the decision must emanate from an independent judicial authority functioning in accordance with settled principles of criminal jurisprudence.



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Fair Procedure is the Soul of Article 21:

43. Article 21 of the Constitution declares that no person shall be deprived of his life or personal liberty except according to procedure established by law. Ever since the celebrated pronouncement in ***Maneka Gandhi v. Union of India***³, the expression "procedure established by law" has ceased to mean any procedure enacted by the Legislature. The procedure must be just, fair, reasonable and non-arbitrary.

44. Fairness is not an empty ritual. It is the very essence of adjudication. A judicial proceeding which hears only one side or disables the opposite party from producing evidence cannot satisfy the constitutional requirement of fairness.

45. The principles of natural justice are not technical rules devised by lawyers. They are the minimum requirements of civilized adjudication. Among them, the doctrine of *audi alteram partem* occupies a position of paramount importance. The right of hearing necessarily includes the right to produce evidence in support of one's

³ 1978 1 SCC 248



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defence. A hearing devoid of an opportunity to establish one's defence is reduced to a mere formality.

46. Particularly where the consequence of the enquiry is incarceration, the Court must zealously guard procedural fairness. Liberty once lost cannot be restored by subsequent explanations.

Whether Mere Registration of FIR Constitutes Breach of Bond:

47. One of the principal reasons assigned by the learned Judicial Magistrate is that the petitioner became involved in Crime No.2 of 2026 during the subsistence of the bond and that such registration itself furnished sufficient material to conclude breach of the bond. This Court is unable to subscribe to such a broad proposition.

48. An FIR is merely the earliest information regarding the commission of a cognizable offence. It sets the investigative machinery in motion. It is not substantive evidence. It does not



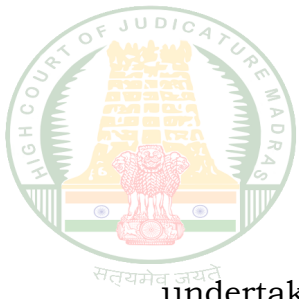
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establish guilt. Equally, it cannot by itself conclusively establish breach of the conditions of a preventive bond.

49. To hold otherwise would produce startling consequences. Every person against whom an FIR is subsequently registered, irrespective of its genuineness or eventual outcome, would automatically become liable for detention under Section 141(1)(b) BNSS. Such interpretation would virtually obliterate the necessity of conducting the judicial enquiry expressly contemplated by the statute.

50. The legislative insistence upon an enquiry necessarily presupposes independent judicial satisfaction. If mere registration of an FIR were sufficient, the enquiry itself would become redundant.

51. It is therefore incumbent upon the Judicial Magistrate to examine whether the materials placed before the Court establish, on the touchstone applicable to such proceedings, that the conduct complained of indeed amounts to breach of the obligations



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undertaken under the bond. Such satisfaction cannot be substituted by the mere existence of an FIR.

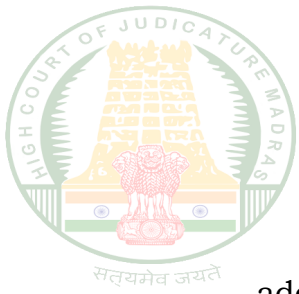
Standard of Proof:

52. The learned Judicial Magistrate has observed that proceedings under Section 141(1)(b) BNSS require a standard of proof comparable to cancellation of bail proceedings and not proof beyond reasonable doubt.

53. There can be no quarrel with the proposition that these proceedings do not amount to a full-fledged criminal trial requiring proof beyond reasonable doubt. Equally, however, it would be erroneous to infer that the enquiry may be conducted casually or mechanically. The degree of proof may differ from a criminal prosecution; the quality of fairness cannot.

54. Even if the evidentiary threshold is comparatively lower, the procedural safeguards remain uncompromised. Before directing imprisonment, the Court must ensure:

the person concerned has been informed of the allegations;



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adequate opportunity has been afforded to cross-examine prosecution witnesses;

reasonable opportunity has been granted to adduce defence evidence;

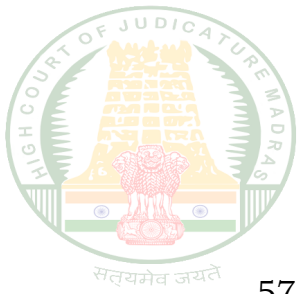
all relevant materials have been objectively considered;

reasons have been recorded demonstrating independent judicial application of mind.

55. These safeguards constitute the minimum content of a fair judicial enquiry.

Refusal to Permit Defence Witnesses:

56. The heart of the present revision lies not in the appreciation of evidence but in the denial of opportunity to produce defence evidence. The revision petitioner specifically pleaded that an application seeking permission to summon defence witnesses had been presented before pronouncement of the impugned order and that the learned Magistrate declined to consider the same. The impugned order, however, proceeds upon the premise that the request was made only after pronouncement of judgment.

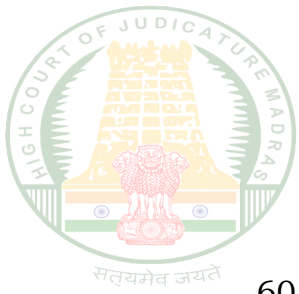


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57. Whether the application was physically presented at 10.45 a.m., 11.15 a.m. or 3.00 p.m. is not, by itself, the decisive question before this Court. The more fundamental issue is whether the petitioner intended to lead defence evidence and whether such opportunity was effectively denied before culmination of the enquiry.

58. The materials placed before this Court disclose that the petitioner had consistently asserted his desire to examine defence witnesses. His grievance regarding denial of such opportunity forms one of the principal grounds of revision.

59. Once a party seeks permission to adduce evidence before conclusion of judicial proceedings, the Court is required to consider such request judiciously. The Court may allow it, reject it for legally sustainable reasons or regulate the manner in which such evidence is received. What cannot be done is to dispose of the entire proceedings without examining the request and thereafter reject the application solely because the order has already been pronounced. Such a course effectively renders the right to lead evidence illusory.



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60. Judicial proceedings are intended to discover truth. They are not competitions in procedural speed. Expedition is desirable; fairness is indispensable.

Whether ***Devadassan v. Second Class Executive Magistrate, Ramanathapuram***⁴ Supports the Respondent:

61. The learned Government Advocate placed considerable reliance upon the judgment of the Hon'ble Supreme Court in ***Devadassan v. Second Class Executive Magistrate, Ramanathapuram***⁵, particularly paragraph 8 thereof.

62. This Court has carefully examined the said judgment. Far from supporting the respondent's contention, the judgment reiterates that detention for breach of bond is sustainable only where the statutory procedure has been followed and due opportunity has been afforded to the person concerned. The Supreme Court declined interference because, on the facts of that case, it found that the appellant had been served with notice, had participated in the enquiry, had submitted his explanation and the competent authority

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5 Supra 4



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had complied with the procedure prescribed under Chapter VIII of the Code.

63. The present case stands on a different footing. The grievance here is not directed against the existence of jurisdiction but against denial of a meaningful opportunity to produce defence evidence before the judicial enquiry concluded.

64. Therefore, ***Devadassan v. Second Class Executive Magistrate, Ramanathapuram***⁶ cannot be read as dispensing with the requirements of natural justice. On the contrary, the judgment reinforces the principle that detention under Chapter IX can be sustained only after scrupulous observance of the prescribed procedure.

Effect of the Procedural Irregularity:

65. The refusal to permit defence evidence is not a mere procedural irregularity capable of being ignored under the doctrine of prejudice. The very object of permitting defence evidence is to enable the person proceeded against to demonstrate that the allegations

⁶ Criminal Appeal No.388 of 2022



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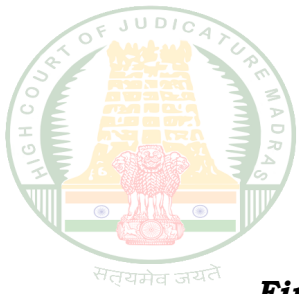
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constituting breach are either false, exaggerated or legally insufficient.

66. Had such opportunity been afforded, the defence witnesses may or may not have altered the ultimate conclusion. That, however, is beside the point. Courts cannot speculate on what evidence would have disclosed. Denial of opportunity itself constitutes prejudice where personal liberty is at stake.

67. A judicial order resulting in incarceration must not only be legally correct; it must also appear to have been rendered after extending every reasonable opportunity to the affected person. Justice must not only be done but must manifestly appear to have been done.

68. Consequently, this Court is of the considered view that the enquiry conducted by the learned Judicial Magistrate suffered from a material procedural irregularity going to the root of the proceedings, thereby vitiating the impugned order.



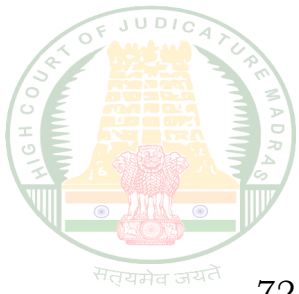
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Findings:

69. Upon an anxious consideration of the rival submissions, the statutory framework and the materials available on record, this Court has no hesitation in holding that the impugned order cannot be sustained in law.

70. At the outset, it must be stated that this Court has consciously refrained from expressing any opinion on the truth or otherwise of the allegations levelled against the revision petitioner in Crime No.2 of 2026. The criminal investigation and any subsequent prosecution arising therefrom shall proceed entirely on their own merits, uninfluenced by any observation contained in this judgment.

71. Equally, this Court has also refrained from recording any final opinion as to whether the revision petitioner has, in fact, committed breach of the peace bond executed under Section 126 BNSS. That question squarely falls within the province of the learned Judicial Magistrate, who alone is competent to record an independent finding after conducting a lawful enquiry.



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72. The interference by this Court is founded exclusively upon the procedural infirmity which has vitiated the enquiry. A careful reading of the impugned order unmistakably reveals that the learned Judicial Magistrate proceeded to conclude the enquiry without permitting the revision petitioner to examine defence witnesses, despite his consistent request to do so. The learned Magistrate dismissed the request on the premise that the proceedings had already culminated in the pronouncement of the order.

73. Such a course, in the considered opinion of this Court, strikes at the very root of a fair judicial enquiry. A person against whom incarceration is proposed cannot be denied the elementary opportunity of producing evidence in his defence. The right to cross-examine prosecution witnesses and the right to adduce defence evidence together constitute the twin pillars of a fair adjudicatory process. One without the other would render the enquiry inherently incomplete.

74. The learned Magistrate appears to have been principally persuaded by the circumstance that the petitioner had been

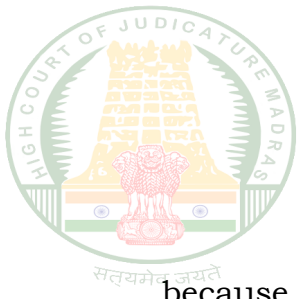


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implicated in a subsequent criminal case during the currency of the bond. While such circumstance undoubtedly constitutes relevant material for initiating proceedings under Section 141(1)(b) BNSS, it cannot by itself dispense with the obligation to conduct a complete judicial enquiry in which both sides are afforded equal opportunity to place their respective evidence.

75. Equally, the observation contained in the impugned order that the standard of proof applicable to proceedings under Section 141(1)(b) BNSS is comparatively lower than that applicable to a criminal trial cannot be construed as dispensing with procedural fairness. The standard of proof and the standard of procedure operate in distinct fields. While the degree of proof may legitimately vary depending upon the nature of the proceedings, the requirement of a fair hearing cannot be diluted where the consequence is deprivation of personal liberty.

76. The right to lead defence evidence is not an empty procedural formality. It is an integral component of the guarantee of a fair hearing. Denial of such opportunity occasions prejudice per se

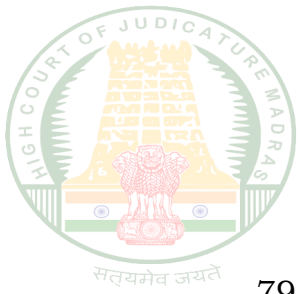


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because the Court can never speculate what evidence might have emerged had the opportunity been granted.

77. This Court is therefore satisfied that the enquiry conducted by the learned Judicial Magistrate suffered from a material procedural irregularity amounting to violation of the principles of natural justice. Such violation goes to the root of the proceedings and renders the ultimate order legally unsustainable.

78. At the same time, this Court is unable to accede to the submission of the learned counsel for the petitioner that the proceedings deserve to be quashed in their entirety. The respondent-police had undoubtedly initiated proceedings on the allegation that the petitioner had violated the conditions of the peace bond during its subsistence. Whether such allegation ultimately stands established is a matter which requires adjudication by the competent Judicial Magistrate after conducting a fresh enquiry in accordance with law.



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79. The appropriate course, therefore, is neither to affirm the impugned order nor to terminate the proceedings altogether. The interests of justice would be adequately served by setting aside the impugned order and remitting the matter to the learned Judicial Magistrate for conducting a fresh enquiry strictly in accordance with law.

80. In the result, this Criminal Revision Case is allowed on the following terms:

(i) The order dated 13.07.2026 passed by the learned Judicial Magistrate No.II, Thanjavur in Cr.M.P.No.112 of 2026 is hereby set aside.

(ii) The matter is remanded to the file of the learned Judicial Magistrate No.II, Thanjavur, for conducting a fresh enquiry under Section 141(1)(b) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(iii) The learned Judicial Magistrate shall afford adequate opportunity to the respondent-police to adduce such further evidence, if any, as they may be advised.

(iv) The revision petitioner shall likewise be afforded full and effective opportunity to summon and examine defence witnesses,



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produce documentary evidence and advance submissions in support of his defence.

(v) The prosecution shall be at liberty to cross-examine every defence witness examined by the petitioner.

(vi) Equally, if the circumstances so warrant, liberty is reserved to the prosecution to adduce rebuttal evidence confined to the matters emerging from the defence evidence.

(vii) The learned Judicial Magistrate shall independently appreciate the entire oral and documentary evidence, both prosecution and defence, and thereafter render a fresh, reasoned order strictly on the basis of the evidence available on record and in accordance with law.

(viii) The learned Judicial Magistrate shall decide the matter uninfluenced by any observations contained in the impugned order dated 13.07.2026, which stands completely effaced by virtue of the present judgment.

(ix) It is made abundantly clear that this Court has not expressed any opinion on the merits of the allegations contained in Crime No.2 of 2026 nor on the question whether the revision petitioner has actually committed breach of the bond. Every issue is



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left open to be decided independently by the learned Judicial Magistrate.

(x) Having regard to the fact that proceedings under Chapter IX of the BNSS concern personal liberty, the learned Judicial Magistrate shall endeavour to complete the enquiry as expeditiously as possible and preferably within eight weeks from the date of receipt of a copy of this judgment, subject to cooperation from both sides.

81. Accordingly, the Criminal Revision Case stands allowed in the above terms. Consequently, connected miscellaneous petitions, if any, shall stand closed.

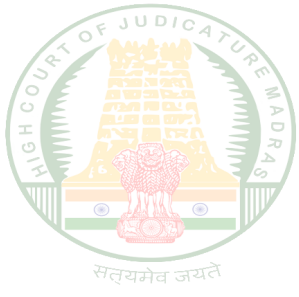
30.07.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Sml

Note: Issue order copy on 31.07.2026.

To

1. The Inspector of Police,
Thanjavur Medical College
Hospital Police Station,
Thanjavur District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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30.07.2026