

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2016

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.R.C.No.1589 of 2016

and

Crl.M.P.No.13010 of 2016

Balasubramaniam

S/o.Govindasamy Gownder

.. Petitioner

vs.

1.State represented by
The Inspector of Police,
Gundadam Police Station,
Thirupur District.

2.First Class Executive Magistrate
cum Revenue Divisional Officer,
Dharapuram,
Thirupur District.

.. Respondents

Criminal Revision filed under Section 397 and 401 Cr.P.C.
against the order of second respondent passed in M.C.No.23 of
2016 on 22.10.2016 by the First class Executive Magistrate cum
Revenue Divisional Officer, Dharapuram.

For Petitioner : Mr.S.Shankar

For Respondents : Mr.M.Mohammed Riyaz
Government Advocate (Crl.side)

सतयमेव जयते
O R D E R

This revision arises against the order of second respondent
passed in M.C.No.23 of 2016 on 22.10.2016.

2. Learned counsel for petitioner submits that the
petitioner had executed a bond for good behaviour u/s.110
Cr.P.C. on 29.03.2016. First respondent registered a case in
Crime No.393 of 2016 for offence u/s.302 IPC on 21.07.2016. In
such case, which relates to the death of a relative of the
petitioner, the petitioner had been arrayed as an accused and
was arrested on 22.07.2016. Petitioner had obtained bail under
order of this Court in Crl.O.P.No.22784 of 2016 dated
21.10.2016. Under order dated 17.10.2016, the second respondent

had required the petitioner to show cause why the bond should not be enforced. Such order has been served on the petitioner on 19.10.2016 while in custody and he had been required to offer his explanation on or before 21.10.2016. On his failure to do so, an order requiring his arrest had been passed on 22.10.2016. As the petitioner was in custody, he was unable to cause reply to the notice dated 17.10.2016, he not having been given sufficient time.

3. Heard learned Government Advocate [Crl.side] on the above submissions.

Given the attendant facts, this Court allows this revision. The order of second respondent passed in M.C.No.23 of 2016 on 22.10.2016, is set aside. The matter is remanded to the second respondent for fresh consideration. Second respondent may now serve notice on the petitioner affording him an opportunity to appear and put forth his case. Connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

gm

To

1.The Inspector of Police,
Gundadam Police Station,
Thirupur District.

2.The First Class Executive Magistrate
cum Revenue Divisional Officer,
Dharapuram,
Thirupur District.

3.The Public Prosecutor,
High Court, Madras.

2 ccs to Mr.S. Shankar, Advocate, Sr. 72206, 71842

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