

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2017

CORAM:

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

CrI.R.C.No.48 of 2017

Riswan Sheriff
S/o.Syed Dasdakar

.. Petitioner/A2

vs.

State represented by
The Deputy Superintendent of Police,
Counterfeit Currency Wing,
CBCID, Chennai.
Crime No.1 of 2016

.. Respondent/Complainant

Criminal Revision filed under Section 397 and 401 Cr.P.C. praying to call for the records in the report u/s.43D of Unlawful Activities (Prevention) Act, 1967, dated 15.06.2016, in Crime No.1 of 2016 on the file of respondent, now pending on the file of XI Metropolitan Magistrate, Saidapet and set aside the same.

For Petitioner : Mr.R.Sankarasubbu

For Respondent : Mr.R.Rajaratnam,
Public Prosecutor

सत्यमेव जयते
O R D E R

Petitioner has been arrested by respondent police on 16.03.2016 in connection with the case registered in Crime No.1 of 2016 for offences u/s.43D of Unlawful Activities (Prevention) Act, 1967. He was remanded to custody on 17.03.2016. Filing a report u/s.43D of Unlawful Activities (Prevention) Act, 1967, on 14.06.2016, the Assistant Public Prosecutor, Chennai, sought extension of the remand of the petitioner beyond a period of ninety days. Such petition was allowed under orders dated 15.06.2016. Challenging the same, the present revision has been filed.

2. Heard learned counsel for petitioner and learned Public Prosecutor.

3. In the decision in Hitendra Vishnu Thakur and others v. State of Maharashtra and others [1994 (4) SCC 602], the Supreme Court informs that before considering the petition seeking extension of remand, the accused is to be put on notice there regards, the intent being to permit him to make submissions there against. In the instant case, such requirement has not been complied with. For the aforesaid reason, this revision is to be allowed.

4. The Criminal Revision Case shall stand allowed. The order under challenge permitting extension of remand is set aside. As a consequence, petitioner shall be released on bail subject to petitioner executing a bond in a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of learned XI Metropolitan Magistrate, Saidapet, Chennai and to appear before the Court below on all hearing dates except on the dates when his presence is dispensed with by way of orders on petitions filed u/s.317 Cr.P.C.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

gm

To

1.The XI Metropolitan Magistrate,
Saidapet.

2.-do-thro The Chief Metropolitan Magistrate,
Egmore, Chennai-8

3.The Deputy Superintendent of Police,
Counterfeit Currency Wing,
CBCID, Chennai.

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R,Sankarasubbu, Advocate sr.7722

+1cc to Public Prosecutor sr.8070

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ss(8/2/2017)