



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 03.07.2017

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.R.C(MD).No.208 of 2017

Pavunuthai

... Petitioner

-Vs-

1.The Executive Magistrate / Deputy Commissioner of Police,
Law and Order,
Madurai City,
Madurai.

2.The Inspector of Police,
Law and Order,
B5, South Gate Police Station,
Madurai.

3.The Superintendent of Prison,
Madurai Central Prison,
Madurai District.

4.The State represented by the
Home Secretary,
State of Tamil Nadu, Secretariat,
Fort Saint George, Chennai-600 009

(R4 deleted as per Order dated 20/06/2017) ... Respondents

Prayer : Criminal Revision Case filed under Section 397 r/w 401 and 482 of the Code of Criminal Procedure, praying to call for the records connected with the M.C.No.418/ந.செ.ந.கா.து.உ/ம.மா/2016 dated 22.02.2017 on the file of the Respondent No.1 and set aside the same.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.C.Mayil vahana Rajendran

Additional Public Prosecutor (Crl. Side)

O R D E R

This Criminal Revision Petition has been filed, challenging the order passed by the first respondent/ Executive Magistrate / Deputy Commissioner of Police, Law and Order, Madurai City under Section 122 (1) (b) of Code of Criminal Procedure, <https://hcservices.courts.gov.in/hcservices/casesecurities.asp> the bond executed by the petitioner and directing him to spend the remaining 49 days in prison.



2.The learned counsel for the petitioner submitted that out of 49 days, as directed by the 1st respondent/Executive Magistrate, the petitioner has been inside for a period of 10 days and he has to undergo the remaining period of 39 days only. Pending revision, this Court has granted an order of interim stay and pursuant to the same, the petitioner came out from the jail and thereafter absolutely there is no allegation against him and the punishment period has already expired.

3.Per contra, the learned Additional Public Prosecutor submitted that only pursuant to the order passed by this Court, the petitioner was released from the jail. Hence, he has to necessarily undergo the remaining period.

4.Taking into consideration of the fact that the petitioner has already spent 316 days in prison and considering the subsequent conduct of the petitioner, I am inclined to set aside the impugned order passed by the first respondent/ Executive Magistrate / Deputy Commissioner of Police, Law and Order, Madurai City under Section 122 (1) (b) of Code of Criminal Procedure.

5.In the result, the impugned order, dated 22.02.2017 is set aside. This Criminal Revision Petition is ordered accordingly.

Sd/-
Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar

To

1.The Executive Magistrate / Deputy Commissioner of Police,
Law and Order, Madurai City, Madurai.

2.The Inspector of Police,
Law and Order, B5, South Gate Police Station,
Madurai.

3.The Superintendent of Prison,
Madurai Central Prison,
Madurai District. Chennai-600 009

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai
+One cc to Mr.R.Alagumani, Advocate, SR.No.63220
vs/sm

RL/6C/2P/KP/SAR1/12/7/2017

Cr1.R.C(MD) No.208 of 2017