



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2017

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

WEB COPY

Crl.R.C.(MD) Nos.411 to 413 of 2017

and

Crl.M.P(MD)Nos.6484, 6485 and 6486 of 2017

Balakrishnan ... Petitioner in Crl.R.C.(MD)No.411 of 2017

Naheswaran ... Petitioner in Crl.R.C.(MD)No.412 of 2017

Muniyasamy ... Petitioner in Crl.R.C.(MD)No.413 of 2017

Vs.

1.The Executive First Class Magistrate and
Sub Collector, Paramakudi,
Ramanathapuram District.

2.The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.

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

... Respondents in all Crl.R.Cs.

Petitions filed under Sections 397 read with 401 Cr.P.C, to call for the records connected with Roc.A2/1859/2017, dated 05.05.2017 on the file of the first respondent and set aside the same as illegal which was passed against the petitioners namely, Balakrishnan, S/o.Marimuthu, aged 32 years, Nageshwaran, S/o.Nagalingam, aged 48 years and Muniyasamy, S/o.Sikamani, aged 28 years respectively.

For Petitioners

: Mr.R.Venkatesan

For Respondents

: Mr.C.Mayilvahana Rajendran,

(In all Crl.R.Cs)

Additional Public Prosecutor.

COMMON ORDER

All these revision cases have been filed challenging the order passed by the first respondent directing the Inspector of Police to take custody of the petitioners, pursuant to the order passed under Section 122(b) of the Criminal Procedure Code.

2.Earlier, the first respondent has passed an order against the petitioners under Section 122 (b) Cr.P.C on 05.05.2017. Subsequently, the learned Executive Magistrate passed the impugned order directing the Inspector of Police to keep the petitioners under custody, Pursuant to the said order dated 05.05.2017 and the petitioners were also arrested.



3.I have heard Mr.R.Venkatesan, learned counsel for the petitioners and Mr.C.Mayilvahan Rajendran, learned Additional Public Prosecutor for the respondents.

4.Admittedly, the petitioners did not challenge the order passed by the First Class Executive Magistrate under Section 122 (1) (b) Cr.P.C dated 05.05.2017 and without challenging the said order, the petitioners cannot challenge the subsequent order and maintain these revision cases. Hence, the Criminal Revision Cases are dismissed. However, learned counsel for the petitioners would submit that the earlier order passed by the dated 05.05.2017 was not served on the petitioners. In the above circumstances, the first respondent is directed to serve a copy of the order immediately and liberty is given to the petitioners to challenge the above said order, if they so desire. Consequently, CrI.M.P(MD) Nos.6484, 6485 and 6486 of 2017 are closed.

Sd/-

Assistant Registrar(CS-III)

/True copy/

Sub Assistant Registrar

To

- 1.The Executive First Class Magistrate and
Sub Collector, Paramakudi, Ramanathapuram District.
- 2.The Inspector of Police,
Kamuthi Police Station, Ramanathapuram District.
- 3.The Superintendent of Prison,
Madurai Central Prison, Madurai District
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S.R.VENKATESAN, Advocate SR.No.69255

sms

MAS/JC/SAR2:23.08.2017:2P-6C

CrI.R.C.(MD) Nos.411 to 413 of 2017

and

CrI.M.P(MD)Nos.6484, 6485 and 6486 of 2017

31.07.2017