



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.08.2017

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Cr1.R.C(MD) .No.641 of 2017

and

Cr1.M.P. (MD) Nos.7196 & 7197 of 2017

Manikandan

... Petitioner/Accused No.1

-Vs-

1.State Rep. by

The Inspector of Police,
Thiruvaiyaru Police Station,
Thiruvaiyaru,
Thanjavur District.
(Crime No.58 of 2016)

... 1st Respondent/Complainant

2.S.Prema

... 2nd Respondent/3rd Party

Prayer : Criminal Revision Case filed under Section 397(1) r/w 401 of the Code of Criminal Procedure, against the proceedings and the order dated 31.07.2017 passed in Cr.M.P.No.625 of 2017 in S.C.No.273 of 2016 on the file of the Learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court) Thanjavur, Thanjavur District.

For Petitioner : Mr.A.Thiruvadi Kumar

For R1 : Mr.C.Mayilvahana Rajendran,
Additional Public Prosecutor

O R D E R

Challenging the notice issued to the petitioner for cancellation of bail, the present Criminal Revision Case has been filed.

2.The petitioner is accused in a murder case in S.C.No.273 of 2016, on the file of the learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Thanjavur, Thanjavur District. When the trial was going on, the sister of the accused viz., Prema filed a petition stating that the petitioner is indulging in tampering with the evidence and also threatening the prosecution witnesses. Considering the above application, the



trial court issued a notice to the petitioner to submit this explanation why the bail granted to him cannot be cancelled. Challenging the said notice, the present Criminal Revision Case has been filed.

3. Heard Mr.A.Thiruvadi Kumar, learned counsel appearing for the petitioner and Mr.C.Mayilvahana Rajendran, learned Additional Public Prosecutor, appearing for the first respondent and perused the records carefully.

4. The order impugned in this criminal revision is only a notice issued by the trial court under Section 439(2) Cr.P.C, directing the petitioner to show-cause why the bail granted to him should not be cancelled. The above notice has been issued, based on a petition filed by the second respondent herein, alleging that the petitioner is an accused in a criminal case and he is tampering with witness and also threatening the prosecution witnesses and since it is being a show-cause notice, it is always open to the petitioner to appear before the trial court and contest the above petition and it is not open to him to challenge the notice issued by the trial court.

5. In the above circumstances, this Criminal Revision Case fails and there is no merit in the revision and the petitioner is directed to appear before the trial court and file his objections and on filing such objections, the trial court is directed to consider the same and pass suitable orders on merits and in accordance with law.

6. With the above observation, this Criminal Revision Case is dismissed. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(AE)

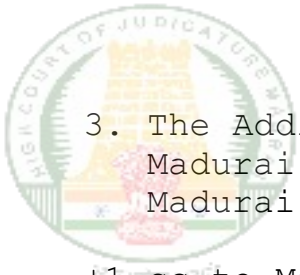
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Sub Assistant Registrar

To

1. The Sessions Judge,
Mahalir Neethimandram
(Fast Track Mahila Court) Thanjavur,
Thanjavur District

2. The Inspector of Police,
Thiruvaiyaru Police Station,
Thiruvaiyaru,
Thanjavur District.



3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to Mr.A.Thiruvadi kumar , Advocate in SR.No. 71617

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vs

AE/SV MMS/SAR3/19.09.2017/3P/5C

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