

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

Crl.R.C.No.610 of 2018
and
Crl.M.P.No.7117 of 2018

D.Sudakar

...Petitioner

..Vs..

1.State represented by
Inspector of Police,
Gudiyattam Taluk,
Gudiyattam Police Station,
Vellore District
(Crime No.146 of 2017)

2.Dr.Kannaki

...Respondents

PRAYER: Criminal Revision Petition filed under Section 397 read with 401 of the Criminal Procedure Code, to set aside the order passed by the learned Judicial Magistrate, Gudiyattam, Vellore District in Crl.M.P.No.298 of 2018, dated 23.04.2018.

For Petitioner : Mr.S.Suresh

For R1 : Mr.R.Surya Prakash
Government Advocate (Crl.Side)

For R2 : No appearance

O R D E R

Heard both sides and perused the records.

2. The learned counsel for the petitioner has submitted that as against the order of cancellation of bail made in Crl.M.P.No.298 of 2018, dated 23.04.2018, the petitioner has preferred this criminal revision.

3. According to the petitioner herein, along with Jeyaraj he has filed Crl.O.P.No.4633 of 2017 and Crl.O.P.No.5899 of 2017, wherein, this Court has granted bail in Crime No.146 of 2017 for the alleged offence under Section 420 of I.P.C and the above Crime No. was registered, based upon the complaint given by one Dr.Kannaki. In the above said bail order dated 11.09.2017, one of the condition contained therein is that

he has to execute the surety before the learned Judicial Magistrate, as could be seen from the order passed by this Court.

4. As he has not executed the sureties before the learned Judicial Magistrate as stipulated, it appears that the defacto-complainant Kannagi has moved CrI.O.P.No.26920 of 2017 for cancellation of bail, wherein by order dated 21.12.2017, this Court has directed her to move the concerned Magistrate Court in view of Clause (e) of the previous order passed by this Court which reads as follows:-

"[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Supreme Court in P.K.Shaji Vs.State of Kerala [(2005)] AIR SCW 5560]"

5. Accordingly, he moved the Judicial Magistrate Court after giving the opportunity and by order dated 23.04.2018, the bail was cancelled in CrI.M.P.No.298 of 2018. Hence, this revision.

6. The learned counsel for the petitioner has submitted that due to ill health and fever, he could not execute the surety. However, the learned Government Advocate (CrI.side) submits that the petitioner has not produced any Medical Certificate. After seeing the records, I do not find any irregularity in the order passed by the trial Court and it does not call for any interference.

Accordingly, this Criminal Revision is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-VII)

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Sub Assistant Registrar

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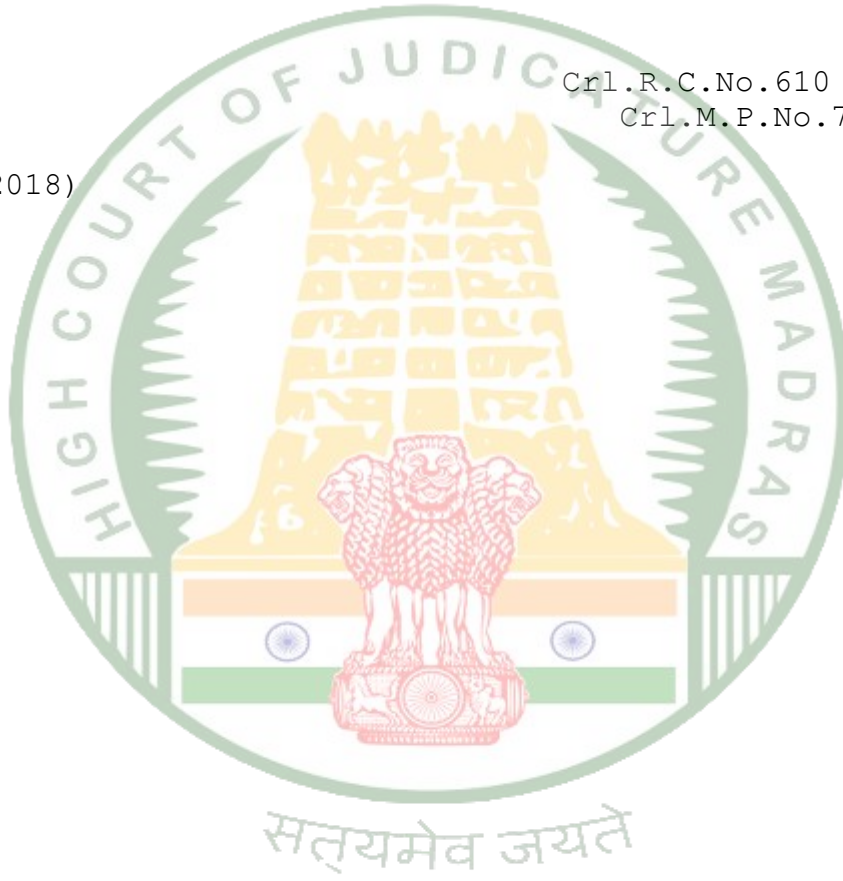
To

The Judicial Magistrate,
Gudiyattam, Vellore District.

+ 1 cc to Mr. S. Suresh, Advocate Sr.45783

(CS-VII)
EU(20/07/2018)

Cr1.R.C.No.610 of 2018 and
Cr1.M.P.No.7117 of 2018



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