

IN THE HIGH COURT OF JUDICATURE AT MADRAS

[Reserved on : 16.07.2018]

[Pronounced on : 02.08.2018]

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

CrI.R.C.No.772 of 2018

and

CrI.M.P.No.8814 of 2018

Raja Guru

... Petitioner/Accused

.. Vs ..

1. The Executive Magistrate cum
the Deputy Commissioner of Police,
Ambattur District.

2. State by,
The Inspector of Police,
T-6, Avadi Police Station,
Ambattur District.
Crime No.33 of 2018.

.... Respondents

PRAYER: Criminal Revision Case filed under Sections 397 and 401 of Cr.P.C. seeking to set aside the detention order passed against the petitioner to imprisonment for 348 days in the proceedings in C.No.347/Sec.Pro./DC Amb/2018 dated 20.03.2018 on the file of the learned Executive Magistrate-cum-Deputy Commissioner of Police, Ambattur District.

For Petitioner : Mr.S.Silambu Selvan

For Respondents : Mr.R.Surya Prakash,
Government Advocate

ORDER

This Criminal Revision Case is filed by the petitioner/accused praying to set aside the detention order passed by the learned Executive Magistrate-cum-Deputy Commissioner of Police, Ambattur District, against the petitioner to imprisonment for 348 days in the proceedings in C.No.347/Sec.Pro./DC Amb/2018, dated 20.03.2018.

2. The case of the prosecution is that on 23.02.2018 when the second respondent police team was in patrol, the petitioner was hiding himself and prepared to escape from that place. On seeing this, the second respondent police brought the petitioner to T-6 Avadi police station and as against him, an FIR was registered under Section 107 of Cr.P.C. and summons were given to him to appear before the first respondent on 28.02.2018 and the proceeding papers were served and the case was again adjourned to 01.03.2018 and on that, he was released on bail after giving sufficient sureties.

3. Learned counsel appearing for the petitioner would submit that based on the cases in Crime No.1100 of 2017 and Crime No.923 of 2017, the second respondent police filed a report before the first respondent and a proceedings was initiated by the first respondent. It is further submitted that on 23.08.2017, the petitioner had given undertaking and executed a Bond for keeping the public peace and to behave with the police discipline. In those proceedings, the petitioner was released on bail with a condition to execute a bond for a sum of Rs.10,000/- with two sureties each for a like sum and on executing the bond on same day, the petitioner was released on bail.

4. Learned counsel appearing for the petitioner also submitted that there was no chance of enquiry and there was no hearing of the accused before passing the impugned order and without following the due process of law, the impugned order has been passed by the first respondent.

5. Learned Government Advocate submitted that pursuant to the summons, the petitioner/accused was appeared before the first respondent on 28.02.2018 and as required under Section 107 of Cr.P.C. he has executed surety and he was released on bail. It is further submitted that the petitioner has got one previous case in Crime No.582 of 2015 for the alleged offences under Sections 341, 324 and 302 IPC. During the subsistence of the bond, the petitioner has committed the offence as stated in Crime No.195 of 2018 for the alleged offences under Sections 294 (b), 323, 324 and 506(ii) IPC and after due process, the impugned order has been passed.

6. Heard both sides and perused the materials available on record.

7. After perusing the typed set of papers and also after hearing the arguments of the learned counsel for the petitioner and the learned Government Advocate, it appears that on 26.02.2018 summons was issued to the petitioner/accused namely,

Raja Guru for his appearance on 28.02.2018 and thereafter, the accused had executed a bond under Section 107 of Cr.P.C. on 01.03.2018 and it appears that within 12 days, he is alleged to have committed the offences under Sections 294(b), 323, 324 and 506(ii) IPC resulted in registration of FIR in Crime No.195 of 2018 before the Inspector of Police, T-6, Avadi police station and in that case, he was remanded to judicial custody and necessary notice has been issued to him for the proceedings under Section 122(1) of Cr.P.C. and the accused was produced under PT warrant before the second respondent on 16.03.2018 and again on 23.08.2018, enquiry was conducted and oral and documentary evidence have been produced before the learned Executive Magistrate cum-Deputy Commissioner of Police, Ambattur and parties were also present and the victim in the subsequent case also identified the accused.

8. Taking note of the fact that during the subsistence of the bond, the petitioner has alleged to have committed the offences under Sections 294(b), 323, 324 and 506(ii) IPC and the injured in those cases namely Backiyaraj/de facto complainant has clearly deposed that in the night on 12.03.2018 around 11.30 p.m., he was attacked by the petitioner herein/accused and he took treatment in Ramachandra Medical College Hospital and based upon his complaint, FIR was registered and injured also identified the accused and further the witness Mariyappan is also identified the accused and the act of the accused. After following the procedures and after considering the statements thereon and after giving sufficient opportunity to the petitioner herein, the impugned order was passed by the learned Magistrate and hence, I do not find any irregularity or illegality in the impugned order passed against the petitioner/accused.

9. In this view of the matter, I am not inclined to interfere with the impugned order passed by the learned Executive Magistrate-cum-Deputy Commissioner of Police, Ambattur District, in the proceedings in C.No.347/Sec.Pro./DC Amb/2018 dated 20.03.2018 and accordingly, this criminal revision case is devoid of merits and the same is liable to be dismissed.

10. In the result, this Criminal Revision Case is dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Jr1

To

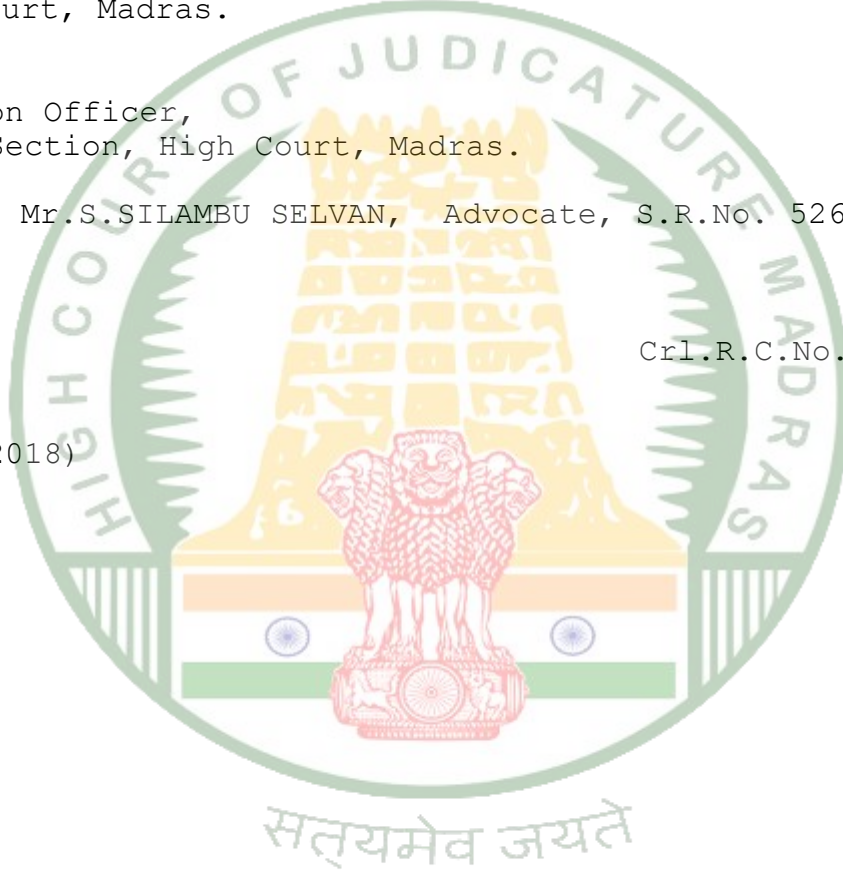
- 1.The Executive Magistrate-cum-Deputy
Commissioner of Police, Ambattur District.
2. The Inspector of Police,
T-6, Avadi Police Station,
Ambattur District.
3. The Public Prosecutor,
High Court, Madras.

COPY TO
The Section Officer,
Criminal Section, High Court, Madras.

+1cc to Mr.S.SILAMBU SELVAN, Advocate, S.R.No. 52615

Order
in
Crl.R.C.No.772 of 2018

SVN(CO)
TR(23/08/2018)



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