



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON: 16.04.2018

DELIVERED ON : 20.06.2018

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.209 of 2018

and

Crl. M.P.(MD)No.2813 of 2018

Ranjith Kumar

.. Petitioner / Respondent

Vs.

1.The Administrative Executive Magistrate Cum
Deputy Commissioner of Police (L&O)
Madurai City.

2.The Inspector of Police,
B6, Jaihindhpuram Police Station,
Madurai City.

.. Respondents/Complainants

Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the records pertaining to order M.C.No.230/Ni.Se.Na.&Kaa.Thu.Aaa/Ma.Maa/2017 passed by the first respondent dated 15.09.2017 and set aside the same.

For Petitioner : Mr.B.Anandan

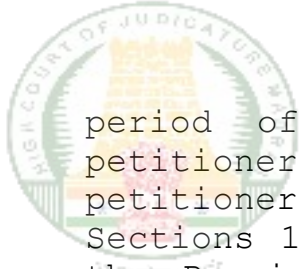
For Respondents : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl. Side)

ORDER

Heard Mr.B.Anandan, learned counsel appearing for the petitioner and Mr.K.Suyambulinga Bharathi, learned Government Advocate (Crl. Side) appearing for the respondents.

2.This petition has been filed to set aside the order passed by the first respondent in M.C.No.230/Ni.Se.Na.&Kaa.Thu.Aaa/Ma.Maa/2017 dated 15.09.2017.

3.The case of prosecution against the petitioner is that the case was registered against the petitioner by the second respondent in Crime No.447 of 2017 for the offence under Section 111 Cr.P.C. After enquiry, the first respondent passed an order, directing the petitioner to execute a bond for a

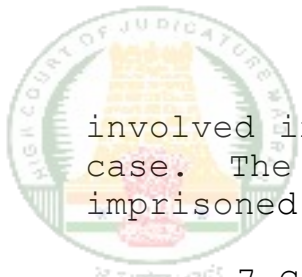


period of one year for keeping peace and good faith. The petitioner executed the bond on 18.07.2017. Thereafter, the petitioner involved in Crime No.83 of 2017 for the offences under Sections 147, 148, 294(b), 120(b), 353 and 307 IPC on the file of the Peraiyur Police Station, Ramanathapuram District. The first respondent after conducting enquiry, issued a proceedings dated 15.09.2017 ordering the petitioner to undergo imprisonment till the expiry of bond period I.e., till 17.07.2018. Against which, the petitioner has come forward with the revision petition.

4. On the side of the petitioner, it is stated that no offence was committed by the petitioner and without even issuing notice to the petitioner, the first respondent has passed an order for cancellation of the bond and sentenced the petitioner to undergo an imprisonment till the expiry of the bond period. The petitioner was already in custody for past eight months. The show cause notice is served to the petitioner only in jail. Date and time of enquiry was not stated in the show cause notice, all the witness are examined. The offence is alleged that the petitioner conspired with other accused to commit an offence but actually no offence is being committed. No reasons for the decision is given in the impugned order and prayed to set aside the order passed by the lower Court.

5. On the side of the respondents, it is stated that the under Section 110 Cr.P.C., the second respondent registered a case against the petitioner and the first respondent conducted enquiry and on 18.07.2017, the petitioner executed a bond for a period of one year to keep peace. Within the next month, the petitioner involved in another case in Crime No.83 of 2017 for the offences under Sections 147, 148, 294(b), 120(b), 353 and 307 IPC. On the request of the second respondent, the first respondent issued notice to the petitioner and conducted enquiry under Section 122 (1)(b) Cr.P.C., The notice is not predetermined. The notice is only a format. The petitioner has not question the notice so far. An opportunity is given to the petitioner. Five witnesses were examined in the presence of the petitioner. The petitioner has not produced any documents. Only after being satisfied with the evidence of the witnesses, the first respondent has passed an impugned order and there is no violation of natural justice and prayed that the petition to be dismissed.

6. Records perused. The first offence against the petitioner is under Section 110 Cr.P.C., the petitioner executed a bond on 18.07.2017 and subsequently, he was involved in offence in Crime No.83 of 2017 under Sections 147, 148, 294(b), 120(b), 353 and 307 IPC. The allegation is that one of the persons among the eight persons associated with the petitioner, the police with aruval and caused injury on his neck. The first respondent after conducting the enquiry cancelled the bond executed by the petitioner. Whether the petitioner was



involved in the offence can be decided only after the trial of the case. The petitioner has breached the bond condition and was imprisoned for the past eight months.

7. Considering the hardship faced by the petitioner's family and also considering the period of custody, this Court is inclined to set aside the order passed by the first respondent. The criminal revision case is allowed. No Costs. Consequently Crl. M.P. (MD) No. 2813 of 2018 is closed.

Sd/

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To

1. The Administrative Executive Magistrate Cum
Deputy Commissioner of Police (L&O)
Madurai City.

2. The Inspector of Police,
B6, Jaihindhpuram Police Station,
Madurai City.

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

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

+1cc to Mr. B. ANANDAN, Advocate, SR.No. 69263

Crl. R.C. (MD) No. 209 of 2018
20.06.2018

MRN

KK/JC/SAR-3/22.06.2018/3P-6C