



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2018

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.[MD]No.444 of 2018

and

Crl.M.P(MD)Nos.6309 & 6310 of 2018

M.Kallanai : Petitioner/Respondent
Vs.

1.The Executive Magistrate Cum
Deputy Commissioner of Police,
Law and Order,
Madurai City ..1st Respondent/ Executive Magistrate

2.The Inspector of Police,
Mathichiyam (L & O) Police Station,
Madurai City.
(Crime No.114 of 2018.) ...2nd Respondent/Complainant

3.The Superintendent,
Central Prison,
Madurai. :3rd Respondent/Respondent

PRAYER : Criminal Revision Case is filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records relating to the order of the 1st respondent by his proceedings in M.C.No.957/Ne.Sae.Na. & Ka.Thu.Aa./M.Ma./2017 dated 16.03.2018 and set aside the same as illegal and allow the above criminal revision petition as prayed for.

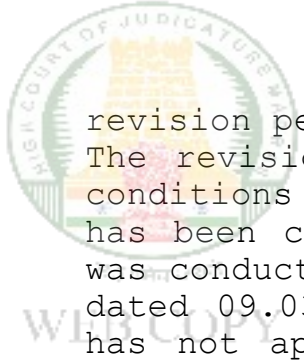
For Petitioner : Mr.M.Jegadeesh Pandian
For Respondents : Mrs.S.Bharathi
Government Advocate (Crl. Side)

O R D E R

This Criminal Revision Case has been filed against the order passed by the 1st respondent by his proceedings in M.C.No.957/Ne.Sae.Na. & Ka.Thu.Aa./M.Ma./2017 dated 16.03.2018.

2.Heard the learned Counsel appearing for the revision petitioner, the learned Government Advocate (Criminal side) appearing for the respondents.

<https://hcservices.ecourts.gov.in/hcservices/>
3.Based on the complaint given by one Rijuvan, the 2nd respondent registered a case in Crime No.114 of 2018 against the



revision petitioner under sections 294(b), 341, 323 and 506(ii) IPC. The revision petitioner has been detained for breach of terms and conditions of the security bond earlier executed by him and the bond has been cancelled without any prior notice and therefore, enquiry was conducted and five witnesses were examined. A Show cause notice dated 09.03.2018 was issued. Subsequently the revision petitioner has not appeared. On 13.03.2018 and on 16.03.2018 the witnesses were cross examined. After hearing both sides and after considering the entire evidence, the Executive Authority has passed the impugned order in M.C.No.957/Ne.Sae.Na. & Ka.Thu.Aa./M.Ma./2017 dated 16.03.2018, since the revision petitioner has violated the bond condition. Challenging the said order, the revision petitioner has filed the present revision.

4.The learned Counsel appearing for the petitioner would submit that without giving any opportunity, the Executive Authority cancelled the earlier order, which needs interference of this Court.

5.The learned Government Advocate (Crl. Side) appearing for the respondents would submit that after receiving the complaint and after receiving the show cause notice, the revision petitioner called all the witnesses and cross examined and hence, opportunity to the petitioner was given and no evidence was produced by the revision petitioner and after considering the entire records and also the evidence of the respondents, Executive Authority found that the earlier condition imposed on the petitioner has been violated and therefore, cancelled the same. Therefore, the contention of the learned counsel for the petitioner as the denial of an opportunity to the petitioner is not acceptable one.

6.Reading of the entire records reveals that sufficient opportunity was given and even before cross examining the witnesses, the revision petitioner has not raised any objection and after cross examining the respondent evidence, the revision petitioner also participated in the entire enquiry. Now the revision petitioner cannot say that no opportunity was given and therefore, this Court found that the revision petitioner violated the condition imposed in the earlier order. On a perusal of records, this Court does not find any perversity in the impugned order. Therefore, this Court finds no merits in this revision.

7.Accordingly, the Criminal Revision Case is dismissed. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(P&A)

/True Copy/



To

- 1.The Executive Magistrate Cum
Deputy Commissioner of Police,
Law and Order,
Madurai City
- 2.The Inspector of Police,
Mathichiyam (L & O) Police Station,
Madurai City.
- 3.The Superintendent,
Central Prison,
Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy To:

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai. **(2 copies)**

+1 cc TO MR.M.JEGADEESH PANDIAN, ADVOCATE IN SR.NO.96059.

RM

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(1/2)

19.11.2018