



WEB COPY

BAIL SLIP

The Petitioner Viz; Ranjith S/o.Ramamoorthy was released on bail, and by the order of this court dated 09/01/2019 and made Crl.MP.No.260/2019 in Crl.RC.No.30/2019.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.30 of 2019

Ranjith ... Petitioner /Respondent/
Respondent

Vs

1.The Executive Magistrate cum
Deputy Commissioner of Police,
Pulianthope range,
Chennai City Police.

2.State : Inspector of Police,
Law and order,
H8 Thiruvotriyur Police Station,
Chennai.

... Respondents/Petitioners/
Petitioners

PRAYER: Criminal Revision case filed under Sections 397 r/w 401 of Criminal Procedure Code, to set aside and revise the order dated 19.12.2018 passed by the first respondent in RC.No.89/Sec.Pro/DCP WPT/2018 on the file of the Executive Magistrate cum Deputy Commissioner of Police.

For Petitioner : Mr.M.Kaveri Selvam

For Respondents : Mr.R.Ravichandran

Government Advocate (Criminal Side)

O R D E R

This Criminal Revision case has been filed to set aside and revise the order dated 19.12.2018 passed by the first respondent in RC.No.89/Sec.Pro/DCP WPT/2018 on the file of the Executive Magistrate cum Deputy Commissioner of Police.

2. Originally the case was registered by the respondent police in Crime No.616 of 2018 for the offence under Sections 341, 294(b), 324, 307, 506(ii) of IPC whereas an order was passed by H8 Thiruvotriyur P.S.Sl.No.10 of 2018 under Section 110 of Cr.P.C. and subsequently the accused was arrested on 07.12.2018 in Crime No.1421 of 2018 for the offence under



Sections 447, 448, 341, 294(b), 307 of IPC and produced before the first respondent. The first respondent issued a PT Warrant to the second respondent for producing the accused. The petitioner admitted that no evidence was witnessed on behalf of the petitioner. Therefore the first respondent passed an order under Section 122(1)(b) of Cr.P.C., challenging the said order the revision petitioner filed the present revision case before this Court.

3. The learned counsel for the petitioner would submit that the first respondent do not possess power to pass order invoking Section 122(1)(b) of Cr.P.C and further submitted that the first respondent should not have passed an order setting aside the bond executed under Section 117 of Cr.P.C., therefore, the learned counsel for the petitioner prays to allow this revision case.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) and perused the materials available on records.

5. Considering the facts and circumstances of the case, though the first respondent in his order stated that the petitioner was produced before the second respondent after examining the witnesses P.W.1 to P.W.3 and also proceedings under Section 313 Cr.P.C., incriminating circumstances has also been completed, the petitioner has admitted the offences but there is no evidence to show that when the petitioner was in jail a show cause notice was issued to the petitioner and also given an opportunity to engage a counsel to defend his case. Therefore in the absence of any material to show that the opportunity was given to the revision petitioner, this Court is inclined to set aside the order passed by the first respondent.

6. However, the first respondent is directed to issue show cause notice to the petitioner and also give an opportunity to engage the counsel to defend the case and proceed further in accordance with law.

7. With the above directions, this Criminal Revision Case is disposed of.

Sd/-
Asst.Registrar (CO)

/true copy/
Sub Asst. Registrar

sbn



To

- 1.The Executive Magistrate cum
Deputy Commissioner of Police,
Pulianthope range,
Chennai City Police.
- 2.Inspector of Police,
Law and order,
H8 Thiruvotriyur Police Station,
Chennai.
- 3.The Public Prosecutor,
High Court, Madras.
- 4.The Superintendent Central Prison
Puzhal
- 5.The Judicial Magistrate
Thiruvotriyur
- 6.The Chief Judicial Magistrate
Thiruvellore

Crl.R.C.No.30 of 2019

aa06/01/2020