

Bail Slip

The petitioner in CrI.Rc 158 of 2019 Viz., Pandi @ Panidan aged 30 years S/o. Karuppasamy (in MP No.1 of 2018 in RC.No.131/Sec.Pro/DCPWPT/2018 on the file of the Executive Magistrate and Deputy Commissioner of Police Washermenpet District) was directed to be released on bail as per order of this Court dated 29/01/2019 and made in CrI.MP. 1405 of 2019 in CrI.RC 158 of 2019.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2019

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THE HONOURABLE Mr. JUSTICE P.VELMURUGAN

CrI.Rc.No.158 of 2019
and
CrI.M.P.No.1405 of 2019

Pandi @ Pandian

... Petitioner

Vs

1.The Executive Magistrate and
Deputy Commissioner of Police,
Washermenpet District.

2.The Inspector of Police,
H.8, Tiruvotriur Police Station,
Chennai.

... Respondents

PRAYER: Criminal Revision Case filed under Section 397(1) and 401 of Cr.P.C, to call for the entire records in connection with M.P.No.1 of 2018 in RC NO.131/Sec.pro/DCPWPT/2018 on the file of the Executive Magistrate and Deputy Commissioner of police Washermenpet District and set aside the order passed by the Executive Magistrate and Deputy Commissioner of Police Washermenpet District, dated 19.12.2018 in M.P.No.1 of 2018 in RC No.131/Sec.pro/DCPWPT/2018.

For Petitioner : Mr.V.Paarthiban

For Respondent : Mr.R.Ravichandran
Government Advocate
(CrI. Side)

O R D E R

This Revision petitioner has filed this revision to call for the entire records in connection with M.P.No.1 of 2018 in RC NO.131/Sec.pro/DCPWPT/2018, dated 19.12.2018 on the file of the learned Executive Magistrate and Deputy Commissioner of police, Washermenpet District and to set aside the same.

2. The petitioner/accused was arrested on 24.10.2018 by the second respondent police for the offences under Sections 147, 148, 341, 336, 302, 407 and 506(ii) of IPC. The case was registered in Crime No.151 of 2018 and produced the petitioner before the first respondent on 25.10.2018. The first respondent passed an order under Section 110 Cr.P.C., released him on bail on executing a bond for a sum of Rs.10,000/- with two sureties. During the enforcement, the petitioner once again arrested on 12.12.2018, due to his other involvement in other case in Crime No.1418 of 2018 for offence under Sections 341, 294(b) and 307 IPC. The petitioner was remanded to prison and P.T. warrant was issued on 19.12.2018. On that day itself, the copies of the charge sheet was served on the petitioner and witnesses were examined and Section 313 proceedings were completed. During the pendency of the bond period, the petitioner involved in other cases and he was detained in the prison. At that time, he was directed to be produced before the 1st respondent and after making enquiry, the bail bond was cancelled and the impugned order came to be passed on 19.12.2018. At the relevant point of time, the Revision petitioner was detained in the prison.

3. On reading of the order, it is seen that the petitioner/accused has been produced before the first respondent on 19.12.2018 and no opportunity was given to him to engage a counsel to defend his case and also to cross-examine the witnesses and remanded him on judicial custody. The first respondent without giving any opportunity to the petitioner and without application of mind remanded the petitioner and acted as a mouth piece of the second respondent.

4. Under these circumstances, this Court is inclined to set aside the order passed by the learned Executive cum Deputy Commissioner of Police, Washermenpet District, Chennai made in M.P.No.01 of 2018 dated 19.12.2018 and remitted back the matter to the first respondent for fresh consideration. The first respondent is directed to issue fresh notice to the petitioner for enquiry and after giving opportunity to the petitioner to engage a counsel for cross examining the witness and proceed further in accordance with law.

5. With the above directions, this Revision Case is allowed. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

dh/rli

To

- 1.The Judicial Magistrate,
Thiruvatriyur.
- 2.-do- Thro' Chief Judicial Magistrate,
Tiruvallur.
- 3.The Superintendent,
Central Prison,
Puzhal, Chennai.
- 4.The Executive Magistrate and
Deputy Commissioner of Police,
Washermenpet District.
- 5.The Inspector of Police,
H.8, Tiruvotriur Police Station,
Chennai.
- 6.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.Parthiban, Advocate, S.R.No.15804

Cr1.Rc.No.158 of 2019
and
Cr1.M.P.No.1405 of 2019

VD(CO)

RRS (22/04/2019)

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