

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.201 of 2019 and
Crl.M.P.No.2058 of 2019

Chandrasekar

...Petitioner

-Vs-

- 1) The Executive Magistrate cum
Deputy Commissioner of Police,
Ambattur District, Chennai.
- 2) State by
The Inspector of Police,
T6-Avadi Police Station,
Chennai.

...Respondents

This Criminal Revision Petition is filed under Sections 397 read with Section 401 of Cr.P.C. to set aside the order passed on 28.12.2018 in M.P.No.1 of 2018 on the file of the Executive Magistrate cum Deputy Commissioner of Police, Ambattur, Chennai in C.No.813/Sec.Pro/DC Amb/2018 in T6 Avadi PS C.No.110/Inspr.T6 PS/Sec.Pro/2018 u/s 107 Cr.P.C.

For Petitioner : Mr.S.Sasikumar

For Respondents : Mr.R. Surya Prakash GA (Crl.)

O R D E R

The respondent police has registered a case in Cr.No.761/2018 for the offences punishable under Sections 148, 294(b), 323, 324 and 506(ii) and since the petitioner/accused has violated the conditions of bond, the respondent filed a petition seeking to permission to remand the petitioner. The 2nd respondent after giving due opportunities to both the parties, had allowed the petition by passing the order dated 28.12.2018, against which, the petitioner is before this Court with the present criminal revision case.

2 According to the learned counsel for the petitioner there is nothing to show that the petitioner is a habitual offender and the second respondent erroneously allowed the petition filed by the first respondent by passing the impugned order, which warrants interference of this Court.

3 The learned Government Advocate (CrI.Side) appearing for the respondents would submit that the petitioner has involved in similar offences and hence in order to protect the peace and tranquility of the public, he must be remanded.

4 Heard the learned counsel appearing on either side and perused the materials available on record.

5 On a perusal of the records, it shows that there are only two cases against the petitioner and that too not similar in nature. This Court does not find any valid reason for remanding the petitioner into judicial custody. Hence, in order to meet the ends of justice, this criminal revision case is allowed and the order dated 28.12.2018 in M.P.No.1 of 2018 on the file of the Executive Magistrate cum Deputy Commissioner of Police, Ambattur, Chennai in C.No.813/Sec.Pro/DC Amb/2018 in T6 Avadi PS C.No.110/Inspr.T6 PS/Sec.Pro/2018 u/s 107 Cr.P.C is hereby set aside. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Executive Magistrate cum Deputy Commissioner of Police, Ambattur District, Chennai.
 2. The Inspector of Police, T6-Avadi Police Station, Chennai.
 3. The Public Prosecutor, High Court of Madras.
- + 1 cc to Mr.S. Sasi Kumar, Advocate Sr.10091

CrI.R.C.No.201 of 2019 and
CrI.M.P.No.2058 of 2019

KS (CO)
EU 4.3.2019