

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2019

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.1377 of 2012
and
MP.No.1 of 2012

R.Rayapillai

... Petitioner

- Vs -

1. The Sub-Divisional Magistrate (First Class)-cum-Revenue Divisional Officer,
Virudhachalam, Cuddalore District.
2. The State of Tamil Nadu rep. by its
Inspector of Police,
Tittagudi Taluk, Cuddalore District.
3. The Superintendent of Jail,
Central Prison, Cuddalore,
Cuddalore District.

... Respondents

Criminal Revision Case filed under Sections 397 and 401 Cr.P.C., praying to call for the records pertaining to the impugned order passed in (A5) M.C.1/2012 under Section 122 (1) (b) of Cr.P.C dated 10.10.2012 by the Sub-Divisional Magistrate (First Class)-cum-Revenue Divisional Officer, Virudhachalam and set aside the same.

For Petitioner : Mr.R.Veeramani

For respondents: Mr.T.Shanmugarajeswaran
Government Advocate (Crl. Side)

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O R D E R

This Criminal Revision Case has been filed to set aside the order passed in (A5) M.C.1/2012 under Section 122(1) (b) of Cr.P.C dated 10.10.2012 by the Sub-Divisional Magistrate (First Class)-cum-Revenue Divisional Officer, Virudhachalam.

2. The respondent police arrested the petitioner in connection with Crime No.114 of 2012 under Section 110

Cr.P.C., and the same was taken on file in M.C.No.1 of 2012. The petitioner has executed a bond for 3 years for maintaining good behaviour. During that time, the petitioner is alleged to have involved in a case in Crime No. 324 of 2012 for the offence under Section 4(1)(aa) and 4(1-A) TNP Act. The respondent police found that the petitioner has breached the condition of the bond. Therefore, the petitioner was arrested and detained under Section 122(1)(b) of Cr.P.C. sentenced to undergo three years imprisonment without relief of bail.

3. Challenging the said order, the petitioner has filed the present revision before this Court.

4. The learned counsel for the petitioner would submit that the first respondent did not provide any opportunity to the petitioner to defend his case, before passing the impugned order. The learned Sub-Divisional Magistrate-cum-Revenue Divisional Officer has simply passed the impugned order and imposed the sentence of imprisonment of three years, by stating that the revision petitioner has wantonly breached the condition of the bond executed by him.

5. The learned Government Advocate (Crl. side) would submit that after investigation, the respondent police have dropped the proceedings. Therefore, the main case itself is now closed as action dropped. Therefore, nothing survives in this revision.

6. Considering the fact that the case in Crime No.324 of 2012 itself has been closed as action dropped as stated by the learned Counsel for the respondent, nothing survives in this revision case.

7. In the result, this Criminal Revision Case is dismissed as infructuous. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

KMI

To

1. The Sub-Divisional Magistrate (First Class)-cum-
Revenue Divisional Officer,
Virudhachalam, Cuddalore District.
 2. The Inspector of Police,
Tittagudi Taluk, Cuddalore District.
 3. The Superintendent of Jail,
Central Prison, Cuddalore,
Cuddalore District.
 4. The Judicial Magistrate, Tittagudi
 5. Do thro the Chief Judicial Magistrate, Cuddalore District
 6. The Public Prosecutor,
High Court,
Madras-104.
- Cr1.R.C.No.1377 of 2012
A.SK(06/09/2019)



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