

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2019

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.RC.No.506 of 2019

and

CRL.MP.No.7046 of 2019

Sakthidasan

... Petitioner

Vs.

State by;

1. Sub- Divisional Magistrate cum Revenue Divisional Officer

Madurantakam,
Kancheepuram District.

2. Inspector of Police,

G-1, Achirapakkam Police Station,
Achirapakkam,
Kancheepuram District.

Crime No.85/2019

... Respondents

Criminal Revision Petition filed under Section 397 & 401 Cr.P.C., to call for the records in Na.Ka.No.550/2019, from the file of the Learned Sub-Divisional Magistrate cum Revenue Divisional Officer, Madurantakam, Kancheepuram District and may be pleased to set aside the order passed by the Learned Sub-Divisional Magistrate cum Revenue Divisional Officer, Madurantakam, Kancheepuram District, in Na.Ka.550/2019 dated 12.04.2019.

For Petitioner : Mr.Ganesh Rajan

For Respondents : Mrs.Kritika Kamal.P
Government Advocate
(Crl.Side)

O R D E R

This Criminal Revision Petition has been filed by the petitioner to set aside the order dated 12.04.2019 passed by the Learned Sub-Divisional Magistrate cum Revenue Divisional Officer, Madurantakam, Kancheepuram District, in Na.Ka.550/2019 and consequently, set the petitioner at liberty.

2. The point that falls for consideration in this petition is whether the bond executed by the petitioner would fall under Section 107 Cr.P.C. or Section 110 Cr.P.C. The Sub-Inspector of Police, G-7, Achirupakkam Police Station submitted a report dated 28.02.2019 to the Learned Sub-Divisional Magistrate cum Revenue Divisional Officer, requesting him to obtain a bond for good behaviour from the petitioner. In support of this request, the Sub-Inspector has catalogued the criminal cases pending against the petitioner in the Police Station. The cases referred to in the said report are as under:

- '1) Cr.No.285/12 U/S 147, 323, 427, 506(i) IPC.
- 2) Cr.No.286/12 U/S 341, 294(b), 323, 506(ii) IPC.
- 3) Cr.No.168/13 U/S 294(b), 323, 506(ii) IPC.
- 4) Cr.No.400/14 U/S 147, 148, 294(b), 323, 341, 324, 427, 506(ii) IPC.
- 5) Cr.No.446/15 U/S 151 r/w 7(1) CLA Act.'

3. On the said report, Sub-Divisional Magistrate cum Revenue Divisional Officer passed an order dated 14.03.2019 directing the petitioner to execute a bond for Rs.2,000/- with two sureties, undertaking for good behaviour. Accordingly, the petitioner executed a bond of Rs.2,000/- with two sureties on 13.03.2019. Thereafter, a case in Achirapakkam Police Station Cr.No.85/2019 was registered against the petitioner on 08.04.2019 for the offences under Sections 294(B), 323 and 506(i) IPC and was arrested. While he was in custody, the Sub-Divisional Magistrate cum Revenue Divisional Office conducted an enquiry and passed the impugned order dated 12.04.2019, holding that the petitioner had breached the bond and consequently, the petitioner was sentenced to undergo imprisonment from 08.04.2019 to 13.03.2020, challenging which, the petitioner is before this Court.

4. This Civil Revisions Case deserves to be allowed on the short ground that the bond that the petitioner is alleged to have executed, is dated 13.03.2019. Whereas, the order directing him to execute the bond is dated 14.03.2019. That apart, the bond that was executed by the petitioner, is for good behaviour and not for keeping the peace.

5. An order under Section 122 Cr.P.C., imprisoning a person, for breach of bond for good behaviour, cannot be imposed. Hence, this petition is allowed and the order dated 12.04.2019 is set aside and the petitioner is set at liberty. The petitioner shall be released from the

prison, if not required in any other case. Consequently,
the connected criminal miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. Sub- Divisional Magistrate cum Revenue Divisional
Officer
Madurantakam,
Kancheepuram District.
2. Inspector of Police,
G-1, Achirapakkam Police Station,
Achirapakkam,
Kancheepuram District.
Crime No.85/2019
3. Public Prosecutor,
High Court,
Madras.

+2ccs to Mr.Ganesh Rajan , Advocate SR.No. 71432

CRL.RC.No.506 of 2019

A.SK(22/08/2019)

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