



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Twenty Eighth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.8387 of 2018

IN

CRL RC(MD) No.585 of 2018

AMALRAJ

... PETITIONER/REVISION PETITIONER

Vs

1 THE EXECUTIVE FIRST CLASS MAGISTRATE CUM
REVENUE DIVISIONAL OFFICER,
DINDIGUL.

2 STATE REP. BY
THE INSPECTOR OF POLICE,
DINDIGUL TOWN (SOUTH) POLICE STATION,
DINDIGUL, DINDIGUL DISTRICT.

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend for detention order in M.C.NO. 44/2018/A1 passed by the 1st respondent Executive First Class Magistrate Cum Revenue Divisional Officer, Dindigul dated 27.09.2018 pending disposal of the above revision petition.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.R.ALAGUMANI, Advocate for the petitioner and of Government Advocate (Crl. Side) on behalf of the Respondents, the court made the following order:-

The main revision case is filed against the detention order passed by the first respondent under Section 122(1)(b) of Cr.P.C. Pending revision, the petitioner has filed Cr.M.P(MD)No.8387 of 2018 seeking suspension of detention order and released him on bail.

2.It is submitted by the learned counsel for the petitioner that there are several infirmities and material contradictions in the detention order in MC No.44/2018/A1, dated 27.09.2018 passed by the 1st respondent and that the 1st respondent without giving any show cause notice had passed a mechanical order of detention.



3.It is submitted by the learned Government Advocate (Criminal side) appearing for the respondents that there are enough materials available on record against the petitioner and the 1st respondent has rightly passed the detention order and prays for dismissal of this petition.

4.This Court has carefully considered the submission made on either side and also perused the materials available on record.

5.The learned counsel for the petitioner pointed out certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that no reasonable opportunity was given to the petitioner before passing the impugned order of detention.

6.It is seen that the respondents were directed to file objection, but they have not chosen to file any counter.

7.In view of the facts and circumstances of this case, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of the detention order passed by the 1st respondent.

8.Accordingly, this petition is allowed and the detention order passed by the first respondent in M.C.No.44/2018/A1, dated 27.09.2018 is suspended pending disposal of the revision and the petitioner is directed to be enlarged on bail on condition that he executes a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the Judicial Magistrate No.III, Dindigul and on further condition that the petitioner shall appear before the said court, once in fortnight at 10.30 am, pending revision.

sd/-
28/02/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.III,
DINDIGUL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3 THE EXECUTIVE FIRST CLASS MAGISTRATE CUM
<https://hcservices.ecourts.gov.in/hcservices/>
REVENUE DIVISIONAL OFFICER,
DINDIGUL.



4 THE INSPECTOR OF POLICE,
DINDIGUL TOWN (SOUTH) POLICE STATION,
DINDIGUL, DINDIGUL DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.R.ALAGUMANI, Advocate SR.No. 4119

ORDER

IN

CRL MP (MD) No.8387 of 2018

IN

CRL RC (MD) No.585 of 2018

Date :28/02/2019

JM/VR/SAR 2/01.03.2019/3P/8C