

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2020

CORAM

THE HONOURABLE Mr. JUSTICE R. MAHADEVAN

Cr1.R.C.No.274 of 2020

Gowtham @ Karuppu Gowtham

... Petitioner

Vs.

1.The Executive Magistrate cum
Deputy Commissioner of Police (Law & Order),
Coimbatore City.

2.The State represented by
The Inspector of Police,
C-4, Rathnapuri Police Station,
Coimbatore City.

... Respondents

Criminal Revision filed under Section 397 read with Section 401 Cr.P.C. seeking to set aside the order dated 19.09.2019 made in M.C.No. 236/NI.SE.NA & KA.THU.AA/KO.MA/2019 on the file of the Executive Magistrate cum Deputy Commissioner of Police (Law & Order), Coimbatore City.

For petitioner : Mr.M.Vinoth

For respondents: Mr.K.Prabakar,
Additional Public Prosecutor

ORDER

It is stated in the affidavit filed in support of this petition that based on the report of the second respondent Police, the first respondent initiated proceedings against the petitioner under Section 107 of the Code of Criminal Procedure on 06.04.2019. During the pendency of the said proceedings, based on a complaint given by one Nandhi Subramaniam against the petitioner and others, the second respondent police registered a case against the petitioner in Crime No.833 of 2019 for the offence punishable under Section 75(1)(c) of the TNCP Act and Sections 323, 324 and 506(ii) of IPC on 05.09.2019 and the same has been intimated to the first respondent. Thereafter, the first respondent called upon the petitioner as well as the de facto complainant in Crime No.833 of 2019 and the statements

of the witnesses have been recorded and the first respondent has revoked the bond which was already executed by the petitioner for keeping good behaviour. According to the petitioner, only for the purpose of implicating the petitioner and to invoke proceedings under Section 122(1)(b) of Cr.PC, the First Information Report has been registered against the petitioner by the second respondent police. Now, this Criminal Revision Case has been filed by the petitioner against the impugned order dated 19.09.2019 passed by the first respondent, revoking the bond and also detaining the petitioner in prison for the remaining period of 6 months and 16 days.

2.The learned counsel for the petitioner has submitted that no sufficient opportunity has been given to the petitioner enabling him to explain about the case. He further submitted that the impugned order has been passed without issuing any show cause notice and without applying mind. It is specifically submitted that no report has been obtained so as to come to the conclusion that there would be breach of peace and public tranquillity, in the event the petitioner is not detained.

3.The learned Additional Public Prosecutor appearing for the respondents, citing the incident that took place on 05.09.2019 relating to Crime No.833 of 2019, submitted that even though the petitioner has executed the bond for good behaviour, he had not complied it properly, rather he indulged in activities prejudicial to the maintenance of public order and hence the impugned order has been passed, which does not require any interference in the hands of this Court.

4.Heard the learned counsel on either side and perused the papers.

5.It is seen from the papers that during the past five years, eight cases have been filed against the petitioner, including the present case and all these cases are pending before the Courts. Out of these eight cases, one case relates to murder, two cases relate to causing injuries and five theft cases. It is seen that on 06.04.2019, even though action has been sought to be taken on the petitioner based on the report of the second respondent Police in No.1 of 2019 under Section 107 of Cr.PC., the petitioner was directed to execute a bond for good behaviour for a period of one year and only since the same has been executed, he was released on bail. But subsequently, the petitioner indulged in illegal activities, pursuant to which a case has been registered in Crime No.833 of 2019. Further, before the first respondent in the impugned proceedings, neither any witnesses were examined nor any documents marked on the side of the petitioner. Based upon the evidence of witnesses adduced on the side of the prosecution, the first respondent came to the

conclusion that the petitioner has violated the bond that he had executed for good behaviour. Since there was prima facie evidence against the petitioner, the impugned order was passed and hence this Court is not inclined to interfere with the same.

6.In the result, the Criminal Revision Case is dismissed.

-s/d-

Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

KM
To

- 1.The Executive Magistrate cum
Deputy Commissioner of Police (Law & Order),
Coimbatore City.
- 2.The State represented by
The Inspector of Police,
C-4, Rathnapuri Police Station,
Coimbatore City.
- 3.The Public Prosecutor,
Madras High Court.

+1 CC to Mr.M.Vinoth, Advocate sr 14396.

+1 CC to Mr.R. Muniapparaj, Advocate sr 14446.

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सत्यमेव जयते

BP(CO)
SP(31/07/2020)

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