

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2020

CORAM :

THE HON'BLE MR. JUSTICE P.N. PRAKASH

Crl.R.C. No.646 of 2020 & Crl.M.P. No.4765 of 2020

P. Kumar @ Rajkumar

Petitioner

vs.

1 The State of Tamil Nadu
represented by the Executive Magistrate/
Revenue Divisional Officer
Ponneri Taluk
Tiruvallur District

2 The Tahsildar
Ponneri Taluk
Tiruvallur District

3 The Inspector of Police
E-3 Minjur Police Station
Tiruvallur District

Respondents

Criminal Revision under Section 397 read with Section 401 Cr.P.C. seeking to set aside the detention order dated 20.06.2020 passed against the revision petitioner in Na.Kaa.No.642/2020/Aa/(1) on the file of the first respondent under Section 122(1)(b) Cr.P.C.

For petitioner Mr. C.K.M. Appaji

For respondents Mrs. P. Kritika Kamal
Govt. Advocate (Crl. Side)

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ORDER

This criminal revision has been preferred challenging the order dated 20.06.2020 passed by the first respondent sentencing the petitioner under Section 122(1)(b) Cr.P.C. to undergo imprisonment till 02.09.2020 and to remit the surety amount of Rs.5,000/- in a nationalised bank.

2 Heard Mr.C.K.M. Appaji, learned counsel for the petitioner and Mrs. P. Kritika Kamal, learned Government Advocate (Crl. Side) appearing for the respondents.

3 It is the case of the first respondent that the petitioner executed a bond for good behaviour under Section 110 Cr.P.C. in M.C.No.57 of 2020 on 02.03.2020 and thereafter, the petitioner was involved in a case in Minjur P.S. Cr.No.1789 of 2020 under Section 392 IPC on 03.06.2020 and hence, was liable to be sentenced under Section 122(1)(b) Cr.P.C. for breach of bond.

4 A perusal of the bond dated 02.03.2020 executed by the petitioner shows that it was executed for good behaviour under Section 110 Cr.P.C. for the breach of which, he cannot be convicted and sentenced under Section 122(1)(b) Cr.P.C., since a conviction and sentence is possible only in a case where there was breach of bond executed under Section 107 Cr.P.C. for keeping peace.

In view of the above and also by following the earlier order passed by this Court in Muthu @ Muthuraja vs. State¹, the impugned order dated 20.06.2020 passed by the first respondent in M.C. No.57 of 2020 is set aside and as a sequel, this criminal revision stands allowed. Connected Crl.M.P. stands closed. The petitioner is directed to be released from custody, if not required in connection with any other case.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

cad

To

1 The Executive Magistrate/
Revenue Divisional Officer
Ponneri Taluk
Tiruvallur District

2 The Tahsildar
Ponneri Taluk
Tiruvallur District

1 Crl.O.P.No.20997 of 2016 decided on 02.11.2016

- 3 The Inspector of Police
E-3 Minjur Police Station
Tiruvallur District
- 4 The Public Prosecutor
High Court, Madras

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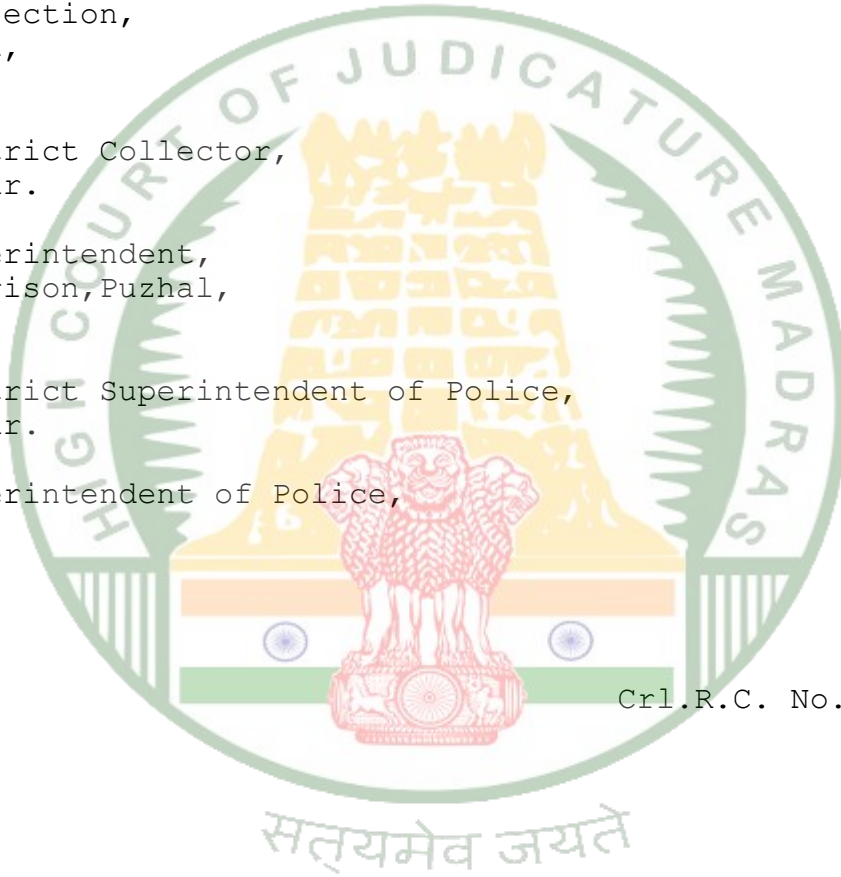
1.The Section Officer,
Criminal Section,
High Court,
Madras.

2.The District Collector,
Thiruvallur.

3.The Superintendent,
Central prison,Puzhal,
Chennai.

4.The District Superintendent of Police,
Thiruvallur.

5.The Superintendent of Police,
Ponneri.



Crl.R.C. No.646 of 2020

SSI (CO)
GS (28/08/2020)

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