



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 13.03.2020

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THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**

Crl.RC (MD) No.172 of 2020

and

Crl.MP (MD) Nos.1462 and 1464 of 2020

Veerapandi

: Petitioner/Detenuue

Vs.

1.The Second Class Executive Magistrate-cum-
Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.

: 1st Respondent/Detaining Authority

2.The State through
Inspector of Police,
Nainarkovil Police Station,
Ramanathapuram District.
(Crime No.152 of 2019)

: 2nd Respondent/ Complainant

Prayer: Criminal Revision filed under sections 397 and 401 of the Code of the Criminal Procedure against the order passed by the 1st respondent in MC No.99 of 2020, dated 27.01.2020.

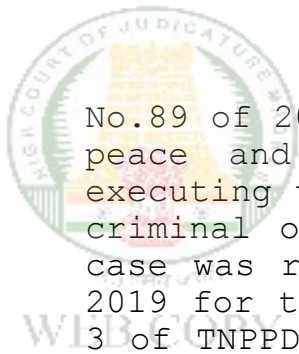
For Petitioner : Mr.G.Vishnuram

For Respondents : Mr.A.P.G. Ohm Chairma Prabhu
Government Advocate
(Criminal side)

J U D G M E N T

This criminal revision is directed against the order passed by the 1st respondent in MC No.99 of 2020, dated 27.01.2020.

2.The short facts of the case is that the petitioner had frequently involved in criminal cases and a report was initiated in Laid Information Report by the 2nd respondent and the same was forwarded to the 1st respondent for further action and after perusal of the records, the 1st respondent issued summon under section 111 Cr.P.C and directed the petitioner to execute a bond for a sum of Rs.50,000/- under section 110 of the Criminal Procedure Code, in MC



No.89 of 2019, dated 17.09.2019 for a period of one year for keeping peace and maintaining good behaviour. But unfortunately, after executing the bond, on 07.11.2019 again the petitioner involved in a criminal offence and on the complaint made by one Sanmugapriya, a case was registered by the 2nd respondent police in Crime No.152 of 2019 for the offence under sections 294(b), 506(II) IPC and section 3 of TNPPDL Act and he was arrested by the 2nd respondent police on 21.01.2020 and remanded to the judicial custody. Subsequently, after careful consideration of the documents and statement of the petitioner, the 1st respondent has passed the impugned order, dated 27.01.2020. Aggrieved by the impugned order passed by the 1st respondent, the petitioner is before this court.

3.Heard both sides and perused the materials available on record.

4.The learned counsel appearing for the petitioner submitted that the impugned order passed by the 1st respondent has not been served upon the petitioner and even such order has not been intimated to the petitioner's family members and that the 1st respondent did not provide reasonable opportunity to defend the case before passing the impugned order and that when without giving reasonable opportunity to defend his case, any order passed by the Executive Magistrate can be set aside.

5.On the other hand, the learned Government Advocate (Criminal side) appearing for the respondents argued that the 1st respondent has rightly passed the impugned order, dated 27.01.2020 and that the petitioner is the habitual offender and many criminal cases were registered against him and many of the cases are still pending and prays for dismissal of the criminal revision.

6.It is seen that the 1st respondent has clearly explained all the facts and circumstances of the case to the petitioner and also considered the representation of the petitioner and after detailed enquiry and on knowing the subsequent offence committed by the petitioner, the 1st respondent passed the impugned order and sufficient time was given to the petitioner to defend the case. Further, the petitioner is a habitual offender and having six previous cases and all those cases were pending for trial. Moreover, the 2nd respondent police opened History Sheet against the petitioner in H.S.No.14 of 2019.

7.Keeping in view of the above facts, this court is of the considered view that the 1st respondent, after due enquiry and after considering the entire documents and statement of the petitioner, has passed the impugned order, which do not call for any interference by this court.



8. In fine, this criminal revision fails and the same is **dismissed**. Consequently, connected Miscellaneous Petitions are closed.

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Sd/-

Assistant Registrar

/ /2020

Sub Assistant Registrar

To

1. The Second Class Executive Magistrate-cum-Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.

2. The Inspector of Police,
Nainarkovil Police Station,
Ramanathapuram District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K.R.LAXMAN, Advocate (SR-11833[F] dated 16/03/2020)

Crl.RC (MD) No.172 of 2020
13.03.2020

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