



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reservation	11.05.2020
Date of Judgment	05.06.2020

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

Cr1.RC(MD)No.259 of 2020
and
Cr1.MP(MD)No.3033 of 2020

Latha

: Petitioner/Detenu

Vs.

1.The Sub Divisional Executive Magistrate/
Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Uthamapalayam, Theni District.

2.The Inspector of Police,
Cumbum North Police Station,
Uthamapalayam Circle,
Theni District.

3.The Superintendent of Prison,
Madurai Special Prison for Women,
Madurai District.

: Respondents

Prayer: Criminal Revision filed under section 397 r/w section 401 of the Code of the Criminal Procedure to call for the records connected with the order passed by the 1st respondent in Na.Ka.A2/356/2020, dated 03.02.2020 and set aside the same as illegal.

For Petitioner : Dr.R.Alagumani

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

J U D G M E N T

<https://hcservices.ecourts.gov.in/hcservices/>
This criminal revision is directed against the order of the 1st respondent passed in Na.Ka.A2/356/2020, dated 03.02.2020.



2.The petitioner had frequently involved in criminal cases and a report was initiated in Laid Information Report in LIR No.44/2019 on 20.12.2019 by the 2nd respondent and the same was forward to the 1st respondent for further action and after perusal of the records, the 1st respondent issued summon to the petitioner and directed to execute a bond with sureties under section 110 of the Criminal Procedure Code, in MC No.176 of 2019, dated 23.12.2019 for a period of six months for keeping peace and maintaining good behaviour. The petitioner also executed a bond on 23.12.2019. However, after executing the bond, on 02.02.2020 again she has involved in a criminal case and in this connection, a case has been registered in Crime No.43 of 2020 by the Cumbum North Police for the offences under section 8(c) r/w 20(b) ((ii) (B), 25, 29(1) of the NDPS Act and she was arrested on 02.02.2020 and remanded to the judicial custody and subsequently, the 1st respondent passed the impugned order, dated 03.02.2020. Aggrieved over the same, the petitioner is before this court.

3.Heard the learned counsel appearing on either side and perused the materials available on record.

4.Even though so many grounds were raised in the grounds of appeal, it is mainly contended on the side of the petitioner that the 1st respondent did not provide reasonable opportunity to defend the case before passing the impugned order. It is the further contention of the petitioner that when without giving reasonable opportunity to defend her case, any order passed by the Executive Magistrate can be set aside.

5.In this case, the petitioner herein is involved in a criminal case and a report was initiated in LIR No.44 of 2019 by the 2nd respondent police on 20.12.2019 and the same was brought to the knowledge of the 1st respondent for further action and after perusal of the records produced by the 2nd respondent police, the 1st respondent issued summon in MC No.176 of 2019, dated 23.12.2019 requiring the petitioner to execute a bond with two sureties, for a sum of Rs.5,000/- each for a period of six months for keeping peace and maintaining good behaviour. As per the direction, the petitioner also executed a bond binding her for keeping peace and maintaining good behaviour. However, in violation of the bond executed, again the petitioner involved herself in a criminal offence and a case has been registered by Cumbum North Police Station in Crime No.43 of 2020 for the offence under section 8(c) r/w 20(b), (ii) (B), 25, 29 (1) of the NDPS Act. In such circumstances, the 1st respondent after considering the documents placed before him and the subsequent offence committed by the petitioner and also the bond, statements recorded by the police and the contents of the FIR, has passed the impugned order holding that the petitioner, in violation of the bond executed by her, has again indulged in illegal activities and committed the offence as stated above. This court see no reason to interfere with the impugned order as the petitioner is a habitual



offender and having 6 previous cases, out of which, she was convicted in 2 cases and 4 cases are pending trial.

6. Keeping in view of the above facts, this court is of the considered view that the impugned order passed by the first respondent is correct and accordingly, this criminal revision is liable to be dismissed.

7. In the result, this criminal revision is **dismissed**. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1. The Sub Divisional Executive Magistrate/
Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Uthamapalayam,
Theni District.

2. The Inspector of Police,
Cumbum North Police Station,
Uthamapalayam Circle,
Theni District.

3. The Superintendent of Prison,
Madurai Special Prison for Women,
Madurai District.

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

+1 CC to M/s.DR.R.ALAGUMANI, Advocate (SR-13104[F] dated 05/06/2020

Cr1.RC(MD)No.259 of 2020
05.06.2020

SDS (17.06.2020) 3P-6C