



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 09.06.2020

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THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.R.C(MD)No.353 of 2020

and

Crl.MP(MD)No.3045 of 2020

Lakshmanan

: Petitioner/Petitioner/A1

Vs.

1.The Tahsildhar/Executive Magistrate
(Second Class),
Kadaladi Taluk,
Ramanathapuram.

2.State rep. by
Inspector of Police,
Kadaladi Police Station,
Ramanathapuram.

: Respondent/Respondent/
Complainant

Prayer: Criminal Revision has been filed under section 397 r/w 401 of Criminal Procedure Code, against the order passed in MC No.82/2019, dated 09.04.2020 by the first respondent.

For Petitioner

: Mr.Raja Karthikeyan

For Respondents

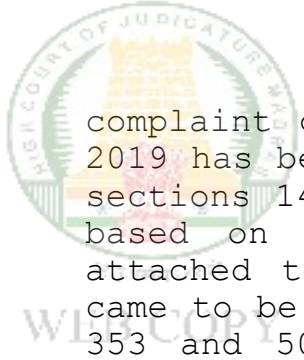
: Mr.V.Neelakandan

Additional Public Prosecutor

O R D E R

This criminal revision is directed against the order passed in MC No.82/2019, dated 09.04.2020 by the 1st respondent.

2.The petitioner is a habitual offender and History Sheeted Rowdy in H.S.No.267 of 2006 and he had frequently involved in various criminal activities, thereby caused various problems against the public peace and tranquillity in the village, a report was initiated by the 2nd respondent under section 107 Cr.P.C and the same was forwarded to the 1st respondent on 29.07.2019 for further action and after perusal of the records produced by the 2nd respondent, the 1st respondent issued summon to the petitioner under section 111 Cr.P.C for enquiry and after detailed enquiry, the 1st respondent passed an order, dated 28.09.2019 directing the petitioner to execute a bond for a sum of Rs.50,000/- under section 107 Cr.P.C in M.C No.82 of 2019 for a period of one year for keeping peace and maintaining good behaviour and as per the directions, the petitioner also executed a bond. After executing the bond, based on the

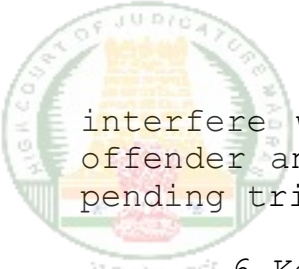


complaint given by one Pasumpon Moorthi, a case in Crime No.99 of 2019 has been registered by the 2nd respondent for the offence under sections 147, 148, 341, 294(b), 323, 324 and 307 IPC. Subsequently, based on the complaint given by the Sub Inspector of Police, attached to Kadaladi Police Station, FIR in Crime No.100 of 2019 came to be registered for the offence under sections 147, 148, 341, 353 and 506(i) IPC. In the above two cases, the petitioner was granted bail. Under these circumstances, the petitioner was arrested by the Inspector of Police, Mudukulathur Police Station, in connection with a case in Crime No.93 of 2020 for the offence under section 8(b) r/w 20(b), (II), (B) of NDPS Act, while he along with two others trying to sell the Ganja. Since, the petitioner is violated the bond executed by him before the 1st respondent for keeping peace and maintaining good behaviour, the 2nd respondent sent a report to the 1st respondent on 02.04.2020. Thereafter, the 1st respondent passed the impugned order, dated 09.04.2020. 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 his 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.10 of 2019 by the 2nd respondent police 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.82 of 2019, dated 26.08.2019 requiring the petitioner to execute a bond with two sureties, for a sum of Rs.50,000/- each for a period of one year for keeping peace and maintaining good behaviour. As per the direction, the petitioner also executed a bond binding his for keeping peace and maintaining good behaviour. However, in violation of the bond executed, again the petitioner involved himself in three criminal offence and in this connection, two cases have been registered in Crime No.99 and 100 of 2019 before the Kadaladi Police Station and one case has been registered in Crime No.93 of 2020 before the Mudukulathur Police Station for the offence under section 8(c) r/w 20(b), (II) (B) 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 him, has again indulged in illegal activities and committed the offences as stated above. This court see no reason to



interfere with the impugned order as the petitioner is a habitual offender and having 10 previous cases, out of which, many 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 (crl side)

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/ /2020

Sub Assistant Registrar(CS)

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To,

1. The Tahsildhar/Executive Magistrate
(Second Class),
Kadaladi Taluk,
Ramanathapuram.
2. The Inspector of Police,
Kadaladi Police Station,
Ramanathapuram.
3. The Superintendent, District Jail
Ramanathapuram.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.R.C (MD) No.353 of 2020
09.06.2020

VB (17.06.2020) 3P 5C