



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 09.06.2020

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.R.C(MD)No.356 of 2020

and

Crl.MP(MD)No.3051 of 2020

1.Lakshmanan

2.Pintchu @Prabhu @ Shanmuga Prabhu

: Petitioners / Respondent Nos.1 & 2

Vs.

1.The Sub Divisional Executive Magistrate
-cum-Revenue Divisional Officer,
Devakottai,
Sivagangai District.

2.The Inspector of Police,
Karaikudi North Police Station, (L & O),
Sivagangai District.

: Respondents / Respondents

Prayer: Criminal Revision has been filed under section 397 r/w 401 of Criminal Procedure Code, against the order passed by the first respondent, in his proceeding in எம்.பி.01/உநிந & வ.கோ.ஆ./சிவமா/2020, dated 11.03.2020 and set aside the same and consequently set the

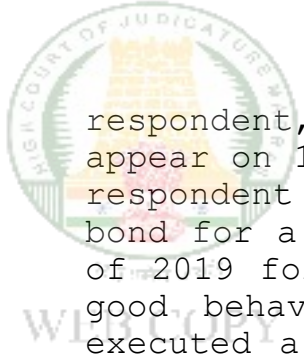
For Petitioners : Mr.R.Anand

For Respondents : Mr.V.Neelakandan
Additional Public Prosecutor

O R D E R

This criminal revision is directed against the order passed by the first respondent, in his proceeding in எம்.பி.01/உநிந & வ.கோ.ஆ./சிவமா/2020, dated 11.03.2020.

2.The petitioners are habitual offenders and History Sheet Rowdies and they have frequently involved in various criminal activities, a report was initiated by the 2nd respondent on 12.10.2019 and the same was forwarded to the 1st respondent for further action and after perusal of the records produced by the 2nd



respondent, the 1st respondent issued summon to the petitioners to appear on 14.10.2019 for enquiry and after detailed enquiry, the 1st respondent passed an order directing the petitioners to execute a bond for a sum of Rs.1,000/- under section 117 Cr.P.C in M.C No.224 of 2019 for a period of one year for keeping peace and maintaining good behaviour and as per the directions, the petitioners also executed a bond. After executing the bond, based on the complaint given by one Yelsulkarunai, a case in Crime No.70 of 2020 has been registered by the 2nd respondent for the offence under sections 294 (b), 427 and 506(II) IPC against the petitioners and two others. Since, the petitioners have violated the bond executed by them before the 1st respondent for keeping peace and maintaining good behaviour, the 1st respondent passed the impugned order, dated 11.03.2020. Aggrieved over the same, the petitioners are 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 petitioners 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 petitioners that when without giving reasonable opportunity to defend their case, any order passed by the Executive Magistrate can be set aside.

5.In this case, the petitioners herein are involved in a criminal case and a report was submitted 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.224 of 2019, dated 14.10.2019 requiring the petitioners to execute a bond with two sureties, for a sum of Rs.1,000/- each for a period of one year for keeping peace and maintaining good behaviour. As per the direction, the petitioners also executed a bond binding them for keeping peace and maintaining good behaviour. However, in violation of the bond executed, again the petitioners involved themselves in a criminal offence and a case has been registered by the 2nd respondent Police in Crime No.70 of 2020 for the offence under sections 294 (b), 427 and 506(ii) IPC. In such circumstances, the 1st respondent after considering the documents placed before him and the subsequent offence committed by the petitioners and also the bond, statements recorded by the police and the contents of the FIR, has passed the impugned order holding that the petitioners, in violation of the bond executed by them, had 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 petitioners are habitual offenders and the first petitioner is having 8 previous cases and the 2nd petitioner is having 4 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.

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

Sd/-

Assistant Registrar (Cr1.Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1. The Sub Divisional Executive Magistrate
-cum-Revenue Divisional Officer,
Devakottai, Sivagangai District.
2. The Inspector of Police,
Karaikudi North Police Station, (L & O),
Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Order made in
Cr1.R.C(MD) No.356 of 2020
09.06.2020

SDS (17.06.2020) 3P-4C