



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 21.07.2020

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

CrI. R.C. (MD) No.382 of 2020

and

CrI.M.P. (MD) No.3314 of 2020

WEB COPY

Baskar

...Petitioner / Petitioner

Vs.

1.The Sub Divisional Magistrate Cum
Revenue Divisional Officer,
Pudukkottai.

2.The Inspector of Police,
Town Police Station,
Pudukkottai,
Pudukkottai District.

... Respondents/Respondents

Prayer : This criminal revision case is filed under Sections 397 and 401 of Cr.P.C., to call for the records of the first respondent in Na.Ka.A3/2367/2020 dated 21.05.2020 and set aside the same.

For Petitioner : Mr.G.Mathavan

For Respondents : Mr.K.Dinesh Babu,
Additional Public Prosecutor

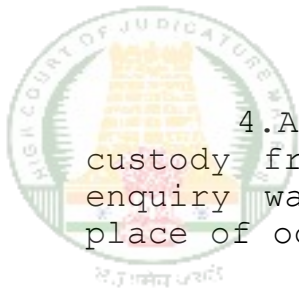
ORDER

This revision case has been filed to set aside the order passed in Na.Ka.A3/2367/2020 dated 21.05.2020, on the file of the first respondent.

2.On the side of the petitioner, it is stated that no show cause notice was issued or no enquiry was conducted. The date of occurrence for the second case is said to have be 19.05.2020 at about 12.30., but on that date and time, the co accused of the petitioner was before the Executive Magistrate and there is no possibility for the commission of second offence and the case is a put up case. It is further stated that when the co accused has executed a bond on 19.05.2020 there was no possibility for the co accused to be there in the place of occurrence along with the petitioner and prays the order to be set aside.

3.On the side of the prosecution, it is stated that the petitioner is a habitual offender and he is having 11 previous cases. The petitioner has violated the condition of the bond and objected the release of petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>



4.A perusal of the records reveals that the petitioner is in custody from 21.05.2020. No show cause notice was issued and no enquiry was conducted. Whether the petitioner is present in the place of occurrence has to be decided in the ground case.

5.Without prejudice to the case in Crime Nos.437 of 2020 and 379 of 2019, the order passed in Na.Ka.No.A3/2702/2020 dated 16.06.2020, on the file of the 1st respondent is hereby set aside and the Criminal Revision Case is allowed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

Correct order

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Mrn

Note:In view of the present lock down owing to COVID - 19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy,shall be the responsibility of the advocate/litigant concerned.

To

To be substituted the order already despatched on 29.07.2020

1.The Sub Divisional Magistrate Cum
Revenue Divisional Officer,
Pudukkottai.

2.The Inspector of Police,
Town Police Station,
Pudukkottai, Pudukkottai District.

3.The Officer Incharge,
District Prison,
Pudukkottai.

Copy to:

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

Crl. R.C. (MD) No.382 of 2020
21.07.2020

AP (28.07.2020) 2P-4C

SPU (12.08.2020) 3P-5C

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