



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2020

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.443 of 2020

and

Crl.M.P.(MD)No.3897 of 2020

Rajasekaran @ Rajasekar @ Sekar

... Petitioner

Vs.

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

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

... Respondents

Prayer : This Revision Case is filed under Sections 397 and Section 401 of Cr.P.C., to call for the records of the first respondent in Na.Ka.A3/2483/2020, dated 02.06.2020 and set aside the same.

For Petitioner : Mr.G.Mathavan

For Respondents : Mr.K.Dinesh Babu

Additional Public Prosecutor

ORDER

This revision has been filed to set aside the order dated 02.06.2020, in Na.Ka.A3/2483/2020, passed by the first respondent.

2. A case was registered against the petitioner in Crime No.120 of 2020 under Section 110 Cr.P.C., and proceedings were taken by the first respondent in M.C.No.40/2020 and on 04.03.2020 the petitioner executed a bond to maintain peace for a period of one year. Within that period, i.e. on 27.05.2020, the petitioner involved in another criminal case in Crime No.462 of 2020 under Section 379 I.P.C. The second respondent requested the first respondent to take proceeding under Section 122 (1) (b) of Cr.P.C. and thereafter, the first respondent passed the impugned order on 02.06.2020. Against that order, the petitioner preferred this Criminal Revision Case.

3. On the side of the petitioner, it is stated that no show cause notice was issued to the petitioner. The petitioner was not furnished with the copies of the documents. The petitioner was not given opportunity to put forth his case. No enquiry was conducted and the order was passed on the same date of request itself and prayed the impugned order to be set aside.



4. On the side of the prosecution, it is stated that the petitioner has executed a bond on 04.03.2020, subsequently, on 27.05.2020 he involved in a criminal case in Crime No.462 of 2020 under Section 379 I.P.C. The petitioner is a habitual offender, having three previous cases. Taking note of the previous antecedents of the petitioner and after pursuing the documents, the impugned order was passed by the first respondent and prayed the Revision to be dismissed.

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

6. It is seen that there are three previous cases against the petitioner, but, a perusal of the impugned order reveals that no show cause notice was issued to the petitioner. No enquiry was conducted. No opportunity was given to the petitioner. In the above circumstances, the impugned order, dated 02.06.2020, in Na.Ka.A3/2483/2020, passed by the first respondent, is hereby set aside. This Criminal Revision Case is allowed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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

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

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

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

Crl. R.C.(MD)No.443 of 2020

13.08.2020

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