



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 06.08.2020

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.389 of 2020

and

Crl.M.P.(MD)No.3373 of 2020

WEB COPY

Pothumani

.. Petitioner

Vs.

1.The Sub Divisional Magistrate/
Revenue Divisional Officer,
Uthamapalayam,
Theni District.
Na.Ka.A2/917/2020

2.The Sub Inspector of Police,
P.C.Patti Police Station,
Theni District,
in Crime No.141 of 2020.

.. Respondents

Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the records of the proceedings in Na.Ka.A2/917/2020 dated 09.03.2020 on the file of the first respondent and set aside the same.

For Petitioner	: Mr.S.Selvakumar
For Respondents	: Mrs.Anandha Devi, Government Advocate (Crl. Side)

ORDER

This petition has been filed to set aside the proceedings passed in Na.Ka.A2/917/2020 dated 09.03.2020, on the file of the first respondent.

2.The allegation is that the petitioner was selling kanja. A case was registered in LIR No.19 of 19 against the petitioner. On 11.02.2020, the petitioner executed a bond before the first respondent under Section 110 Cr.P.C., for maintaining good conduct for a period of six months. Within the six months, the petitioner again involved in another offence on 07.03.2020. A case in Crime No.141 of 2020 under Section 8(c) r/w. 20(b)(ii)(A) of NDPS Act was registered against the petitioner. On the basis of the requisition letter of the second respondent, the proceedings under Section 122 (1)(b) of Cr.P.C., was taken. The impugned order was passed on 09.03.2020. The petitioner was detained in jail from 11.02.2020 till 10.08.2020. Against the detention order, the petitioner preferred this revision.



3.On the side of the petitioner, it is stated that a false case was foisted against the petitioner. No show cause notice was issued to the petitioner and no enquiry was conducted. The respondents did not furnish any copies of the document and no opportunity was given to the petitioner to put forth her case and prayed the impugned order to be set aside.

4.On the side of the respondents, it is stated that even after executing a bond under Section 110 Cr.P.C., the petitioner violated the conditions of the bond and only on careful consideration of the documents, the first respondent passed the impugned order. The petitioner involved in two previous cases and one in Crime No.17 of 2019 was registered under Sections 8(c) r/w 20(b)(ii)(b) of NDPS Act and the other in Crime No.457 of 2020 was registered under 8(c) r/w 20(b)(ii)(b) of NDPS Act and he objected to allow the petition.

5.A perusal of the records reveals that no show cause notice was issued to the petitioner and no enquiry was conducted. The period of detention of the petitioner is almost over.

6.In the above circumstances, the Criminal Revision Case is allowed and the impugned order in Na.Ka.A2/917/2020 dated 09.03.2020, on the file of the first respondent is set aside. Consequently, Crl.M.P.(MD)No.3373 of 2020 is closed.

Sd/-

Assistant Registrar (AD-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

1.The Sub Divisional Magistrate/
Revenue Divisional Officer,
Uthamapalayam,
Theni District.



2.The Sub Inspector of Police,
P.C.Patti Police Station,
Theni District.

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

Crl. R.C. (MD) No.389 of 2020
06.08.2020

VB (06.08.2020) 3P 4C