



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2020
CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

WEB COPY

Crl. R.C.(MD)No.406 of 2020
and
Crl.M.P.(MD)No.3562 of 2020

Deepan @ Deepanraj

.. Petitioner

Vs.

1.The Divisional Executive Magistrate/
The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Pudukkottai, Pudukkottai District.

2.The Inspector of Police,
Ganesh Nagar Police Station,
Pudukkottai District.

3.The Superintendent of Prison,
Trichy Central Prison,
Trichy District.

.. Respondents

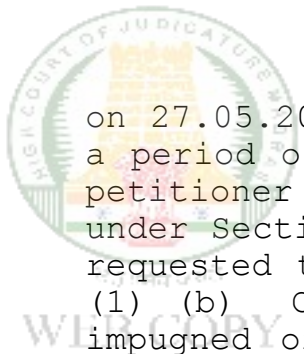
Prayer : This Revision Case is filed under Sections 397 read with Section 401 of Cr.P.C., to call for the records connected with the order passed by the first respondent in ந.க.அ3/2521/2020, dated 04.06.2020 and set aside the same as illegal and consequently, to direct the respondents to release the petitioner from prison.

For Petitioner : Mr.R.Alagumani
For Respondents : Mrs.Anandha Devi
Government Advocate

ORDER

This revision has been filed to set aside the order passed by the first respondent in ந.க.அ3/2521/2020, dated 04.06.2020 and consequently, to direct the respondents to release the petitioner from prison.

2.On 30.04.2020, a case was registered against the petitioner, in Crime No.331 of 2020 under Section 110 Cr.P.C., and proceedings were taken by the first respondent in M.C.No.69/2020 and



on 27.05.2020, the petitioner executed a bond to maintain peace for a period of one year. Within that period, i.e. on 30.05.2020, the petitioner involved in another criminal case in Crime No.936 of 2020 under Sections 294(b), 324 and 506(ii) I.P.C. The second respondent requested the first respondent to take proceeding under Section 122 (1) (b) Cr.P.C. and thereafter, the first respondent passed the impugned order on 04.06.2020. Against that order, the petitioner preferred this Criminal Revision Case.

3. On the side of the petitioner, it is stated that the petitioner is in judicial custody from 30.05.2020. The offence charged against the petitioner is only a family dispute. No show cause notice was issued to the petitioner. 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 27.05.2020, subsequently, on 30.05.2020 he involved in a criminal case in Crime No.936 of 2020 under Sections 294(b), 324 and 506(ii) I.P.C. The petitioner is a habitual offender, having 14 previous cases. A list of the cases are attached with the counter filed by the prosecution. Taking note of the previous antecedents of the petitioner and after pursuing the documents, the impugned order was passed by the first respondent and hence prayed the Revision to be dismissed.

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

6. A perusal of the records reveals that no show cause notice was issued to the petitioner. Copies of documents are not furnished to the petitioner. No enquiry was conducted and no opportunity was given to the petitioner. A perusal of the list of cases produced by the prosecution, reveals that that petitioner is involved in 14 other offences. In the above circumstances, liberty is given to the first respondent to take fresh action against the petitioner, if necessary. But, since no opportunity was given to the petitioner in this proceedings, the impugned order passed by first respondent, in ந.க.அ3/2521/2020, dated 04.06.2020, is hereby set aside. This Criminal Revision Case is allowed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AS)

// 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 Divisional Executive Magistrate cum
Revenue Divisional Officer, Pudukkottai.
Pudukkottai District.
2. The Superintendent,
Central Prison,
Trichy District.
- 3.The Inspector of Police,
Ganesh Nagar Police Station,
Pudukkottai, Pudukkottai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl. R.C.(MD)No.406 of 2020
17.08.2020

Ls

SDS (18.08.2020) 3P-5C