



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 12.08.2020

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.411 of 2020
and
Crl.M.P.(MD)No.3601 of 2020

Manikrishnan @ Moldi Mani

.. Petitioner

Vs.

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

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

.. Respondents

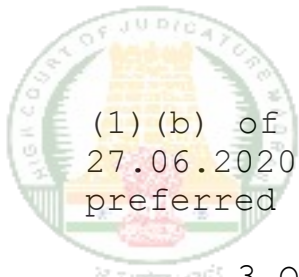
Prayer : This criminal revision case is filed under Sections 397 and 401 of Cr.P.C., to call for the records of the first respondent in Na.Ka.A3/2900/2020 dated 27.06.2020 and to set aside the same.

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

ORDER

This petition has been filed to set aside the proceedings passed in Na.Ka.A3/2900/2020 dated 27.06.2020, on the file of the first respondent.

2.On 01.06.2020, a case was registered against the petitioner in Crime No.537 of 2020. In M.C.No.103 of 2020, the petitioner executed a bond before the first respondent under Section 110 of Cr.P.C., to keep good conduct for a period of one year. On 19.06.2020, a case was again registered against the petitioner in Crime No.605 of 2020 under Section 294(b), 323, 307 and 506(ii) of IPC. On the requisition of the second respondent, the first respondent passed the impugned order under Section 122



(1)(b) of Cr.P.C., directing the petitioner to be in custody from 27.06.2020 till 18.06.2021. Against that order, the petitioner preferred this revision petition.

3. On the side of the petitioner, it is stated that 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 his case and prayed the impugned order to be set aside.

4. On the side of the respondents, it is stated that the petitioner frequently involved in many criminal cases and even after executing a bond under Section 110 of Cr.P.C., the petitioner violated the conditions of the bond and only on careful consideration of the document, the first respondent passed the impugned order. The petitioner involved in one previous case in Crime No.355 of 2020 under Sections 294(b), 307 of IPC r/w.3(i)(r)(s), 3(2)(v) of SC/ST (POA) Act, which is under trial and he raised objections to the petition.

5. It is seen that the petitioner is having a previous case. The impugned order reveals that no show cause notice was issued to the petitioner and that the copies of the documents were not furnished to the petitioner and that no enquiry was conducted.

6. In the above circumstances, the Criminal Revision Case is allowed and the impugned order in Na.Ka.A3/2900/2020 dated 27.06.2020, on the file of the first respondent is set aside. Consequently, Crl.M.P.(MD)No.3601 of 2020 is closed.

Sd/-

Assistant Registrar(AS)

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

Crl. R.C.(MD)No.411 of 2020
12.08.2020

scr(CO)
TR(18.08.2020) 3P 5C