



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.449 of 2020

and

Crl.M.P.(MD)No.3916 of 2020

Akash,
S/o. Senbagamoorthi

... Petitioner / Petitioner

Vs.

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

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

... Respondents / Complainant

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.No.A3/ 3132/2020, dated 08.07.2020 and to set aside the same.

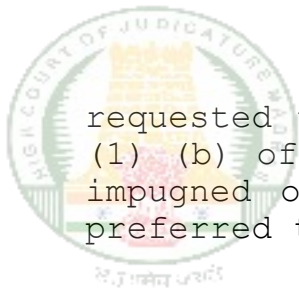
For Petitioner : Mr.G.Mathavan

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

ORDER

This revision has been filed to set aside the order dated 08.07.2020, in Na.Ka.No.A3/3132/2020, passed by the first respondent.

2.A case was registered against the petitioner, on 10.10.2019 in Crime No.226 of 2019 under Section 110 Cr.P.C., and in the proceedings taken by the first respondent in M.C.No.203/2019 on 14.10.2019, the petitioner executed a bond to maintain peace for a period of one year. Within that period, i.e. on 02.07.2020, the petitioner involved in a criminal case in Crime No.572 of 2020 under Sections 341, 294(b), 324 and 506(ii) 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 08.07.2020. 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. The impugned order was passed by the first respondent without conducting an enquiry 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 14.10.2019, subsequently, on 02.07.2020, he involved in a criminal case in Crime No.572 of 2020 under Sections 341, 294(b), 324 and 506(ii) I.P.C. The petitioner is a habitual offender, having two previous cases. Taking note of the previous antecedents of the petitioner and after perusing 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 08.07.2020, in Na.Ka.No.A3/3132/2020, passed by the first respondent, is hereby set aside. This Criminal Revision Case is allowed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Records)

// 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,
Thirugokaranam Police Station,
Pudukkottai District.
- 3.The Officer incharge,
District Prison, Pudukkottai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl. R.C.(MD)No.449 of 2020
13.08.2020

Ls

SDS (18.08.2020) 3P-5C