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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 04.09.2020

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.452 of 2020

and

Crl.M.P.(MD)No.3958 of 2020

Mathi

.. Petitioner

Vs.

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

2.The Inspector of Police,
Thirugokarnam Police Station,
Pudukkottai.

.. Respondents

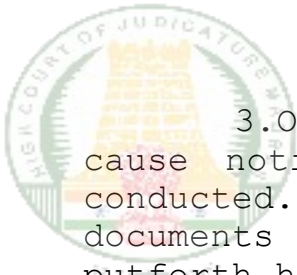
Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the records of the learned Sub-Divisional Magistrate-Cum Revenue Divisional Officer, Pudukkottai, the first respondent in Na.Ka.No.A3/2339/2020 dated 20.05.2020 and to set aside the same.

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

ORDER

This petition has been filed to set aside the proceedings passed in Na.Ka.No.A3/2339/2020 dated 20.05.2020, on the file of the first respondent.

2.A case was registered against the petitioner in Crime No.63 of 2020 under Section 110 of Cr.P.C. In M.C.No.5 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 06.02.2020. Subsequently on 15.02.2020, a case was again registered against the petitioner in Crime No.24 of 2020 under Sections 387 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 till 05.02.2021. 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 documents and no opportunity was given to the petitioner to putforth his case and prayed the impugned order to be set aside.

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4.On the side of the respondents, it is stated that the petitioner is a habitual offender. 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 documents, the first respondent passed the impugned order. On the requisition of the second respondent, the first respondent sent a notice to the petitioner on 06.02.2020. It is further stated that the petitioner involved in four previous cases. One is Crime No.113 of 2020 under Sections 120(B), 147, 148, 341, 326, 294(b) and 302 of IPC, the other is Crime No.24 of 2020 under Sections 387 and 506(ii) of IPC, the other is Crime No.16 of 2020 under Section 392 of IPC and another Crime No.19 of 2020 under Section 19 of 2020 under Section 394 and 324 of IPC were registered against the petitioner and the respondent raised objections to the petition.

5.A perusal of the impugned order reveals that the first respondent did not conduct proper enquiry as per Section 122(1)(b) of Cr.P.C., and hence, an opportunity for the petitioner is to be given.

6.Considering the antecedants of the petitioner, liberty is given to the first respondent to take fresh action under Section 122(1)(b) of Cr.P.C. Since the first respondent did not follow necessary procedures, the impugned order in Na.Ka.A3/2339/2020 dated 20.05.2020, on the file of the first respondent is set aside.

7.In the result, the Criminal Revision Case is allowed. The petitioner is directed to be released forthwith, unless his presence is required in any other case. Consequently, miscellaneous petition is closed.

Sd/-

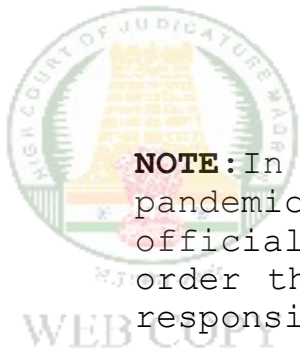
Assistant Registrar(AS)

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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,
Thirugokarnam Police Station,
Pudukkottai.
3. The District Collector, Pudukkottai.
4. The Superintendent of Police, Pudukkottai.
5. The Superintendent/Prison incharge officer,
Central Prison, Tiruchirappalli.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

The Section Officer,Criminal Section,
Madurai Bench of Madras High Court, Madurai.

Crl. R.C. (MD) No.452 of 2020
04.09.2020

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TR(04.09.2020) 3P 8C