



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Twenty First day of September Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.4516 of 2020

IN

CRL RC(MD) No.505 of 2020

MANIKANDAN

... PETITIONER/DETENU

Vs

1.THE EXECUTIVE MAGISTRATE/
THE REVENUE DIVISIONAL OFFICER,
OFFICE OF THE REVENUE DIVISIONAL OFFICER,
SIVAKASI, VIRUDHUNAGAR DISTRICT.

2 THE INSPECTOR OF POLICE,
VIRUDHUNAGAR RURAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.

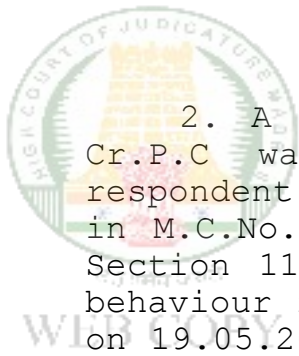
3 THE SUPERINTENDENT OF PRISON,
MADURAI CENTRAL PRISON,
MADURAI DISTRICT.

... RESPONDENTS

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the detention passed by the Respondent No.1 in M.C.No.13/2020 dated 17.08.2020 and release the detenu by name Manikandan S/o.Pandi aged 33 years now confining at Madurai Central Prison pending disposal of this Criminal Revision.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.R.ALAGUMANI, Advocate for the petitioner and of Mrs.ANANDHA DEVI, Government Advocate(Crl. Side) on behalf of the Respondents the court made the following order:-

This petition has been filed to suspend the detention passed by the first respondent in M.C.No.13 of 2020, dated 17.08.2020 and release the detenu, by name, Manikandan, S/o.Pandi, aged 33 years now confining at Madurai Central Prison pending disposal of the Criminal Revision.



2. A case in Crime No.33 of 2020 under Section 110 (e & f) Cr.P.C was registered against the petitioner by the second respondent and was forwarded to the first respondent on 23.01.2020 in M.C.No.13 of 2020. The first respondent obtained a bond under Section 110 Cr.P.C from the petitioner to maintain peace and good behaviour for a period of one year. Subsequently, the petitioner, on 19.05.2020, involved in another criminal case in Crime No.398 of 2020, under Sections 294(b), 323, 324 IPC. Again on 29.07.2020, the petitioner involved in another criminal case in Crime No.519 of 2020, under Sections 294(b), 323, 506(ii) IPC and Section 4 of Women Harassment Act. On the report submitted by the second respondent, the first respondent initiated action against the petitioner and passed the impugned order. Against the impugned order, the petitioner preferred this revision.

3. On the side of the petitioner, it is stated that the order was passed on the same day and both the cases referred by the second respondent are family disputes. No opportunity was given to the petitioner, to defend his case and prayed the impugned order to be set aside.

4. On the side of the prosecution, it is stated that proper enquiry was conducted by the first respondent. The petitioner was given opportunity. In fact, the petitioner appeared through an Advocate on 13.08.2020 and at the request of the petitioner, the enquiry was adjourned to 17.08.2020. Only after proper enquiry and examination of witnesses and after giving sufficient opportunity to the petitioner, the impugned order was passed by the first respondent. It is further stated that the petitioner involved in 29 previous cases and four times he was detained under the Goondas Act. A history sheet was opened in H.S.No.63/2012 against the petitioner. The petitioner is a habitual offender and prayed the petition to be dismissed.

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

6. It is seen that the first respondent examined two witnesses and an Advocate filed a vakalat representing the petitioner before the first respondent. At the request of the petitioner counsel, the matter was adjourned to 17.08.2020. An opportunity was given for the petitioner to cross-examine the witnesses, but, he has not utilised that opportunity. The previous antecedents of the petitioner is that he involved in 29 previous cases, out of which 8 cases are murder cases, three cases are attempt to murder and two cases are under Section 392 IPC. The petitioner is in custody from 17.08.2020 onwards. Considering the previous antecedents of the petitioner and considering the fact that the opportunity was given to the petitioner and that the ground case is not a family dispute, this Court is not inclined to suspend the sentence at the present.



7. Hence, this Criminal Miscellaneous Petition is dismissed.

sd/-
21/09/2020

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/ /2020

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1. THE EXECUTIVE MAGISTRATE/
THE REVENUE DIVISIONAL OFFICER,
OFFICE OF THE REVENUE DIVISIONAL OFFICER,
SIVAKASI, VIRUDHUNAGAR DISTRICT.
- 2 THE INSPECTOR OF POLICE,
VIRUDHUNAGAR RURAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 3 THE SUPERINTENDENT OF PRISON,
MADURAI CENTRAL PRISON,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.4516 of 2020
IN
CRL RC(MD) No.505 of 2020
Date :21/09/2020

Ls
AE/JC/SAR-IV (28.09.2020) 3P 5C