



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Wednesday, the Seventh day of October Two Thousand and Twenty

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PRESENT

The Hon'ble Mrs.Justice R.THARANI

CRL MP(MD) No.4949 of 2020

IN

CRL RC(MD) No.563 of 2020

P.KARUPPASAMY @ KARUPPU

...PETITIONER/RESPONDENT

Vs

1 THE SUB DIVISIONAL EXECUTIVE MAGISTRATE/
SUB COLLECTOR,
SIVAKASI, VIRUDHUNAGAR DISTRICT.

2 THE INSPECTOR OF POLICE,
EAST POLICE STATION, SIVAKASI,
VIRUDHUNAGAR DISTRICT.

...RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the detention of this petitioner in M.C.No.71 of 2020 on the file of the Sub Divisional Executive Magistrate cum Sub Collector, Sivakasi dated 20.08.2020 undergo the imprisonment till 12.07.2021 U/s 122(1)(b)Criminal Procedure Code till the disposal of CRL RC(MD) No.563 of 2020.

Prayer in CRL RC(MD) . 563/ 2020 :

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to call for the records and set aside the detention order in M.C.No.71 of 2020 on the file of the Sub Divisional Executive Magistrate Cum Sub Collector, Sivakasi dated 20.08.2020 and revise the same by allowing this revision petition.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.S.SELVAKUMAR, Advocate for the petitioner and of MR.S.CHANDRASEKAR, Additional Public Prosecutor, on behalf of the Respondents, the Court made the following order:-

This petition is filed to suspend the detention of this petitioner in M.C.No.71 of 2020 on the file of the Sub Divisional Executive Magistrate cum Sub Collector, Sivakasi, dated 20.08.2020.



2.On the side of the petitioner, it is stated that the petitioner has executed a bond on 13.07.2020 for maintaining peace for a period of one year. Subsequently, the case in Crime No.865 of 2020 was registered under Section 341 and 387 of IPC against the petitioner. On requisition letter from the second respondent, the first respondent passed an order under Section 122(1)(b) of Cr.P.C. Against which, the petitioner has preferred the Criminal Revision Case. Along with the revision case, the petitioner has filed the petition for suspension of sentence.

3.On the side of the petitioner, it is stated that the petitioner was arrested in Crime No.865 of 2020. The summon was served to the petitioner personally on 18.08.2020. But hearing was only on 20.08.2020. No opportunity was given to the petitioner. Mere pendency of the case is not a material for passing the order under Section 122(1)(b) of Cr.P.C. The first respondent did not give reasons for his satisfaction to pass the order. The reason for the decision were not discussed by the respondents and prayed the impugned order to be set aside.

4.On the side of the respondents, it is stated that notice was served on the petitioner and the petitioner executed a bond in M.C.No.71 of 2020 and violated the same by indulging in some other crime. A history sheet was maintained in 189 of 2011. He is having previous cases in Crime No.18 of 2019 under Section 392 of IPC, Crime No.757 of 2018 under Section 392 of IPC, Crime No.61 of 2018 under Sections 147, 148, 294(b), 324 and 302 of IPC. The petitioner was given sufficient opportunity. He has given a statement before the first respondent. Another enquiry was recorded by the first respondent in a question answer manner and prayed the petition to be dismissed.

5.The second respondent filed a report before the first respondent under Section 107 of Cr.P.C., in Crime No.583 of 2020. The first respondent in M.C.No.71 of 2020 called upon the petitioner for enquiry and the petitioner executed a bond on 13.07.2020. On 13.08.2020, the petitioner involved in another offence in Crime No.865 of 2020. The notice was served upon the petitioner. The petitioner was called upon for enquiry. The first respondent examined the witness on 20.08.2020. There are 32 previous cases against the petitioner. The statement of the respondent was also recorded.

6.A perusal of the records reveals that the petitioner is having a murder case and four cases under Section 392 of IPC and a history sheet is maintained against the petitioner. A perusal of the impugned order reveals that only after giving sufficient opportunity to the petitioner, the impugned order was passed by the first respondent. It is seen that the first respondent discussed the statement given by the petitioner. In the above circumstances, there



is nothing sufficient enough to interfere in the order passed by the first respondent at the present.

7. In view of the above, this Criminal Miscellaneous Petition is dismissed.

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sd/-
07/10/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE SUB DIVISIONAL EXECUTIVE MAGISTRATE/
SUB COLLECTOR,
SIVAKASI, VIRUDHUNAGAR DISTRICT.

2 THE OFFICER INCHARGE,
SUBJAIL, THIRUMANGALAM.

3 THE INSPECTOR OF POLICE,
EAST POLICE STATION, SIVAKASI,
VIRUDHUNAGAR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL MP(MD) No.4949 of 2020 IN
CRL RC(MD) No.563 of 2020
Date :07/10/2020

MRN
SRS/ AKM/SAR-II/ 14.10.2020/ 3P/5C