



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATE : 17.12.2020
CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.683 of 2020

and

Crl.M.P.(MD)No.6892 of 2020

WEB COPY

Sudalai Mani ... Petitioner/Defendant
Vs.

1.The Executive Magistrate cum Deputy Commissioner of Police,
Law and Order,
Madurai City. ...1st Respondent

2.The State rep. By the,
The Inspector of Police,
B3, Theppakulam Police Station,
Madurai City. ... 2nd Respondents /Complainants

Prayer : This criminal revision case is filed under Sections 397(1) r/w. 401 of Cr.P.C., to call for the records relating to the order passed in M.C.1456/Ni.Sa.Na & Ka.TU.Aa/M.MA/2019 dated 18.08.2020, by the first respondent detaining the petitioner and to set aside the same as illegal.

For Petitioner	: Mr.V.Vishnu
For Respondents	: Mr.S.Chandrasekar
	Additional Public Prosecutor

ORDER

This petition has been filed to set aside the order passed in M.C.1456/Ni.Sa.Na & Ka.TU.Aa/M.MA/2019 dated 18.08.2020, by the first respondent.

2.Based on the report submitted by the second respondent, the first respondent obtained the bond under Section 110 of Cr.P.C., from the petitioner on 24.12.2019 in Crime No.1456 of 2019. Subsequently, on 02.08.2020, the petitioner involved in another offence in Crime No.1056 of 2020 under Section 399 of IPC and based on the report forwarded by the second respondent, the first respondent called upon the petitioner by issuing the PT warrant and after conducting enquiry, the first respondent passed the impugned order. The petitioner filed this revision, against that impugned order.

3.On the side of the petitioner, it is stated that no opportunity was given to the petitioner. All the witnesses are police officials. The period of detention is almost at the closing



stage and prayed the petition to be allowed.

4. On the side of the respondents, it is stated that the petitioner executed a bond on 24.12.2020 and violated the condition of the bond. All the procedures are scrupulously followed and the impugned order was passed, after giving sufficient opportunity to the petitioner and prayed the petition to be dismissed.

5. It is seen that all the witnesses who are examined by the first respondent, are police officials. The petitioner has almost completed the period of detention. The period of detention will be over on 23.12.2020.

6. In the above circumstances, this Criminal Revision Case is allowed and the order passed in M.C.1456/Ni.Sa.Na & Ka.TU.Aa/M.MA/2019 dated 18.08.2020, by the first respondent is set aside. The petitioner is directed to be released forthwith, unless his presence is required in any other case. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

// 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 Executive Magistrate cum Deputy Commissioner of Police,
Law and Order, Madurai City.
2. The Inspector of Police,
B3, Theppakulam Police Station, Madurai City.
3. The Superintendent , Central Prison, Madurai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl. R.C. (MD) No. 683 of 2020

17.12.2020

SSS (CO)

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