



Bail Slip

Ranjith, Male / aged 26/2019, S/o, Madasamy, Petitioner/Accused was released on bail of this Court order dated 25.10.2019 made in Crl MP (MD) No.9276 of 2019 in Crl RC(MD) No.808 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.09.2020

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.808 of 2019

Ranjith ... Petitioner/Accused

Vs.

- 1.The Executive Magistrate No.1 cum
Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District. ... Ist Respondent/Respondent
- 2.The Inspector of Police,
Law and Order,
Puliyampatti Police Station,
Thoothukudi District. ... 2nd Respondent/Complainant
- 3.The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli District. ... 3rd Respondent/Respondent

Prayer : This Revision Case is filed under Sections 397 r/w. Section 401 of Cr.P.C., to call for the records of the first respondent by her proceedings dated 10.10.2019 under Section 122 (1)(b) r/w. Section 117 of Cr.P.C. and set aside the same as illegal.

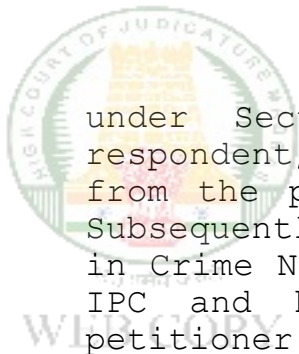
For Petitioner : Mr.R.Vinoth Bharathi

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

ORDER

This revision has been filed to set aside the order dated 10.10.2019, passed by the first respondent.

2. The second respondent registered a case, in the year 2016, against the petitioner in Crime No.54 of 2016, under Sections 147, 294(b), 323, 324 IPC and Section 4 of TNPHW Act. In the year 2018, another case in crime No.58 of 2018 under Sections 302, 34, 120(B), 114 IPC was registered against the petitioner. In view of the same, the second respondent initiated proceedings in LIR No.20 of 2019



under Section 107 Cr.P.C. and refer the same to the first respondent, on 19.08.2019. The first respondent obtained a bond from the petitioner, to maintain peace for a period of one year. Subsequently, on 10.09.2019, the petitioner involved in another case in Crime No.56 of 2019, under Sections 341, 294(b), 307 and 506(ii) IPC and he was remanded to the judicial custody. Since the petitioner violated the condition of the bond, the second respondent requested the first respondent to take proceeding under Section 122 (1) (b) of Cr.P.C. r/w. Section 117 of Cr.P.C. and thereafter, the first respondent passed the impugned order on 10.10.2019. Against that order, the petitioner preferred this Criminal Revision Case.

3. On the side of the petitioner, it is stated that the first respondent has not followed the procedures contemplated under Section 122(1)(b) read with Section 117 Cr.P.C. It is stated that no show cause notice was issued to the petitioner. No copies of the documents were given to the petitioner. No opportunity was given to the petitioner. No enquiry was conducted. The impugned order is not an order on merits and prayed the impugned order to be set aside.

4. On the side of the respondents, it is stated that the petitioner originally involved in a case in crime No.11 of 2014, subsequently, he involved in Crime No.36 of 2015 and Crime No. 54 of 2016 and Crime No.58 of 2018 for an offence under Sections 302, 34, 120(B) and 114 IPC and the petitioner is a history sheeted offender HS.No.3/2018 was opened on 11.11.2018 and the petitioner became a threat to the general public and the Society. Thereafter, on 19.08.2019, the second respondent registered a case in Crime No.20 of 2019, under Section 107 IPC. The first respondent after issuing notice to the petitioner and after following due procedure, an order was passed an order in M.C.No.954 of 2019 and directed the petitioner to execute a bond. The first respondent obtained a bond from the petitioner. Even after the execution of the bond, the petitioner involved in Crime No.56 of 2019. Summon was sent to the petitioner on 17.09.2019, directing him to appear before the first respondent on 23.09.2019. An advocate appeared for the petitioner and he filed a memo on 23.09.2019 and the explanation of the petitioner was submitted. On 30.09.2019, three witnesses were examined in the presence of the Advocate, who appeared on behalf of the petitioner. After the examination of the witnesses, the first respondent issued summon to the petitioner on 30.09.2019, to make his submissions or arguments on 03.10.2019. The petitioner failed to avail that opportunity. Only after following the principles of natural justice, the first respondent passed the detailed order and the guidelines issued by this Court in the judgment reported in (2019) 2 MLJ (Crl) 556 [P.Sathish @ Sathishkumar Vs. State rep. by Inspector of Police, Chennai] was carefully followed by the first respondent and prayed the petition to be dismissed.

<https://hcservices.ecourts.gov.in/hcservices/> the learned counsel on either side and perused the



materials available on record.

6. A perusal of the impugned order reveals that the points raised by the respondents were not elicited in the impugned order. The presence of the counsel for the petitioner, the particulars regarding the enquiry, the particulars regarding an opportunity given to the petitioner were not narrated in the impugned order. The petitioner's sentence was suspended, by this Court, on 25.10.2019. There is no subsequent allegations as against the petitioner. In view of the same, the impugned order passed by the first respondent is set aside. Accordingly, this Criminal Revision Case is allowed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Ls

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 No.1 cum
Revenue Divisional Officer,
Kovilpatti, Thoothukudi District.

2.The Inspector of Police,
Law and Order,
Puliyampatti Police Station,Thoothukudi District.

3.The Superintendent of Prison,
Palayamkottai Central Prison,Tirunelveli District.

Copy To:- The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl. R.C.(MD)No.808 of 2019
28.09.2020

SRK(CO)
AP(06/10/2020) 3P 5C