



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 18.03.2020

CORAM

THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**

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Cr1.RC(MD)No.974 of 2019

and

Cr1.MP(MD)No.11495 of 2019

Akash Ragupathi

... Petitioner/Accused

Vs.

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

... 1st Respondent / Respondent

2.The Inspector of Police,
V2 Avaniapuram Police Station (Law and Order)
Madurai City.

... 2nd Respondent / Complainant

3.The Superintendent of Police,
Madurai Central Prison,
Madurai.

...3rd Respondent / Respondent

Prayer: Criminal Revision filed under section 397 r/w 401 of the Code of the Criminal Procedure pleaded to call for records against order of the 1st respondent passed under section 122(1)(b) r/w 117 of the Criminal Procedure Code in proceedings MC:982/Ni.Se.Na.&Ka.Thu.Aa/Ma.Maa/2019, dated 22.10.2019.

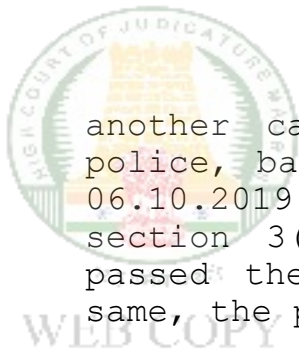
For Petitioner : M/s.A.S.Rajewari

For Respondents : Mr.A.P.G.Ohm Chaira Prabhu
Government Advocate (Criminal side)

J U D G M E N T

This criminal revision is directed against order of the 1st respondent passed under section 122(1)(b) r/w 117 of the Criminal Procedure Code in proceedings MC:982/Ni.Se.Na.&Ka.Thu.Aa/Ma.Maa/2019, dated 22.10.2019.

2.It is the case of the petitioner that the 2nd respondent police foisted a case against him in Crime No.150 of 2019 for the offence under section 110 of the Criminal Procedure Code and recommended the 1st respondent to initiate proceedings against him under sections 110 and 117 r/w 113 of the Criminal Procedure Code. Based on that, the 1st respondent initiated proceedings under MC No.982 of 2019 and an order was passed on 05.09.2019. Subsequently,



another case was registered on 07.10.2019 by the 2nd respondent police, based on the complaint received from one Chandrasekaran on 06.10.2019 under section 294(b), 323, 387, 506(II) IPC and under section 3(1) of TNPPDL Act and subsequently, the 1st respondent passed the impugned order, dated 22.10.2019. Aggrieved over the same, the petitioner is before this court.

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

4. Even though so many grounds were raised in the grounds of appeal, it is mainly contended on the side of the petitioner that the 1st respondent did not provide reasonable opportunity to defend the case before passing the impugned order. It is the further contention of the petitioner that when without giving reasonable opportunity to defend his case, any order passed by the Executive Magistrate can be set aside.

5. In this case, the petitioner herein involved in a criminal case and for that, FIR stands registered in Crime No.150 of 2019 under section 110 of the Criminal Procedure Code on 01.09.2010 by the 2nd respondent police and the same was brought to the knowledge of the 1st respondent for further action and after perusal of the records produced by the 2nd respondent police, on 03.09.2019, the 1st respondent issued summons under section 111 of the Criminal Procedure Code and directed the petitioner to appear on 06.09.2019 and subsequently, after due enquiry and satisfaction, the 1st respondent directed the petitioner to execute a bond with two sureties for a sum of Rs.1,00,000/- each under section 117 of the Criminal Procedure Code in M.C.No.982 of 2019 for a period of one year for keeping peace and maintaining good behaviour and as per the direction, the petitioner executed a bond for keeping peace and maintaining good behaviour. But unfortunately, again the petitioner involved in a criminal offence and on the complaint made by one Chandrasekar, a case was registered by the 2nd respondent police in Crime No.952 of 2019 under section 204(b), 323, 387, 506(ii) IPC and section 3(1) of TNPPDL Act and the petitioner was arrested by the 2nd respondent police and remanded to the judicial custody and subsequently, PT warrant was issued to the petitioner and summons were also issued to the witnesses and subsequently, the 2nd respondent produced the petitioner through PT warrant before the 1st respondent on 14.10.2019 and the subsequent enquiry was held on 18.10.2019 and 22.10.2019 and after that, it was found that the petitioner breached the conditions and it amount to breach of bond and after enquiry and the subsequent offence committed by the petitioner, the impugned order was passed on 22.10.2019 and hence, reasonable opportunity was given to the petitioner before passing the final order.

6. For all the reasons stated above, this court is of the considered view that the first respondent after giving reasonable opportunity to the petitioner and after perusing the entire



materials on record, has passed the impugned order, which do not call for any interference by this court.

7. In the result, this criminal revision is **dismissed**. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

To

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

2. The Inspector of Police,
V2 Avaniapuram Police Station (Law and Order)
Madurai City.

3. The Superintendent of Police,
Madurai Central Prison,
Madurai.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.A.S.RAJESWARI, Advocate (SR-12349[F] dated
18/03/2020)

Cr1.RC(MD)No.974 of 2019
18.03.2020

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SDS (04.06.2020) 3P-6C