

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.95 of 2021
and
Crl.MP.No.1714 of 2021

KK.Karthikeya alias Karthick ...Petitioner/Accused
Vs

1. The Sub Divisional Magistrate
Cum Revenue Divisional Officer
Chengalpet - 603 001.
2. The Inspector of Police,
D-1, Chegalpet Town Police Station,
Chengalpet - 603 001. Respondents

PRAYER: This Criminal Revision case is filed under Sections 397 read with Section 401 of Cr.P.C. against the detention order of the sub Divisional Officer, Chengalpet in M.C.No.A-1/166/2020 dated 07.08.2020 on his file for the following among other grounds.

For Petitioners: Mr.D.Vijayan

For Respondent : Mr.T.P.Savitha

O R D E R

The petitioner executed bond under Section 110 of Cr.P.C., for a sum of Rs.50,000/- and subsequently he was arrested on 14.07.2020. Challenging the order passed under Section 122(1) (a), the Revision Petition has approached this court by way of this Revision.

2. The learned counsel for the petitioner would submit that simply a false case has been registered against the petitioner without giving any opportunity and the bond was cancelled and the impugned order passed on 07.08.2020 has to be set aside. He further submitted that during the pendency of the bond period, the petitioner has not involved in the case and only based on the Police report, he was arrested.

3. Perused the records. Admittedly the petitioner executed

bond under Section 110 of Cr.P.C. The case was alleged to be filed against the petitioner on 14.07.2000. A reading of the impugned order reveals that the first respondent has not given opportunity to the petitioner to defend his case.

4. Therefore, the order passed by the first respondent dated 07.08.2020 is set aside and remanded back to the first respondent after completing all the procedures within a period of two months from today and the first respondent is directed to follow the procedure contemplated under Section 122 (1)(a) and also give an opportunity to engage a counsel, since he is in custody and in case if the petitioner is not engaging counsel, respondent is directed to approach the Legal Services authority to engage a counsel from Legal Aid and dispose of the matter in accordance with law.

5. In view of the above, this Criminal Revision Petition stands disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

kmm

To

1. The Sub Divisional Magistrate
Cum Revenue Divisional Officer,
Chengalpet Town Police Station,
Chengalpet - 603 001.

2. The Inspector of Police,
D-1, Chegalpet Town Police Station,
Chengalpet - 603 001.

3. The Superintendent,
Central Prison-II,
Puzhal, Chennai-66.

4. The Public Prosecutor,
High Court, Madras.

Cr1.R.C.No.95 of 2021

and

Cr1.MP.No.1714 of 2021

MG(CO)
GN(30/03/2021)