

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2021

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.R.C.No.108 of 2021
and
CrI.M.P.No.2060 of 2021

S.Sipli @ Subramanian ... Petitioner

Versus

1.The Sub-Divisional Executive Magistrate cum
Revenue Divisional Officer,
Cuddalore.

2.The Inspector of Police,
Neyveli Town Police Station,
Cuddalore District.

... Respondents

PRAYER: Criminal Revision petition is filed under Section 397 r/w.401 Cr.P.C seeking to call for the records of the 1st respondent, the Sub-Divisional Executive Magistrate cum Revenue Divisional Officer, Cuddalore in M.C.No.341 of 2020 dated 22.10.2020 and to set aside the same by allowing the revision petition.

For Petitioner : Mr.J.Pradeep

For Respondents : Mr.K.Madhan

Government Advocate(Criminal Side)

सत्यमेव जयते
O R D E R

This Criminal Revision case has been filed seeking to call for the records of the 1st respondent, the Sub-Divisional Executive Magistrate cum Revenue Divisional Officer, Cuddalore in M.C.No.341 of 2020 dated 22.10.2020 and to set aside the same by allowing the revision petition.

2. Originally, the petitioner was arrested and remanded to judicial custody and subsequently released on bail. In the mean time, the petitioner was asked to execute a bond under Section 110 Cr.P.C for good behaviour and during the said bond period, the petitioner is alleged to have involved in other offence in Crime No.1048 of 2020 for the offences punishable

under sections 294(b), 323, 307, 506(ii) IPC. There are totally 11 previous cases pending against him. Therefore, the petitioner was arrested and remanded to judicial custody and his remand was extended till 21.10.2020 and during the custody, he was produced before the Chief Judicial Magistrate, Neyveli, and thereafter order has been passed on 22.10.2020.

3. A reading of order passed by the 1st respondent reveals that the petitioner did not appear through counsel and he was produced on PT warrant and no legal assistance was extended to the petitioner. Therefore, on the date of order passed by the learned Magistrate i.e. on 22.10.2020, the petitioner was not produced before the authority and in his absence, the order was passed and no legal assistance was extended. Records would go to show that even though on 19.10.2020, witnesses were examined, there was no legal assistance extended and on 22.10.2020 the petitioner was not produced from the jail and the order was passed in his absence which violates the principle of natural justice. Therefore, the order passed by the first respondent is set aside and the matter is remitted back to the 1st respondent with a direction to provide opportunity to the petitioner to get legal assistance. If he failed to engage a counsel on his own, the first respondent is directed to approach the Legal Services Authority for providing competent legal aid counsel to defend the case on behalf of the petitioner and dispose the matter within two months.

4. With the above direction, this Criminal Revision is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

Mpa

To

1.The Sub-Divisional Executive Magistrate cum
Revenue Divisional Officer,
Cuddalore.

2.The Inspector of Police,
Neyveli Town Police Station,
Cuddalore District.

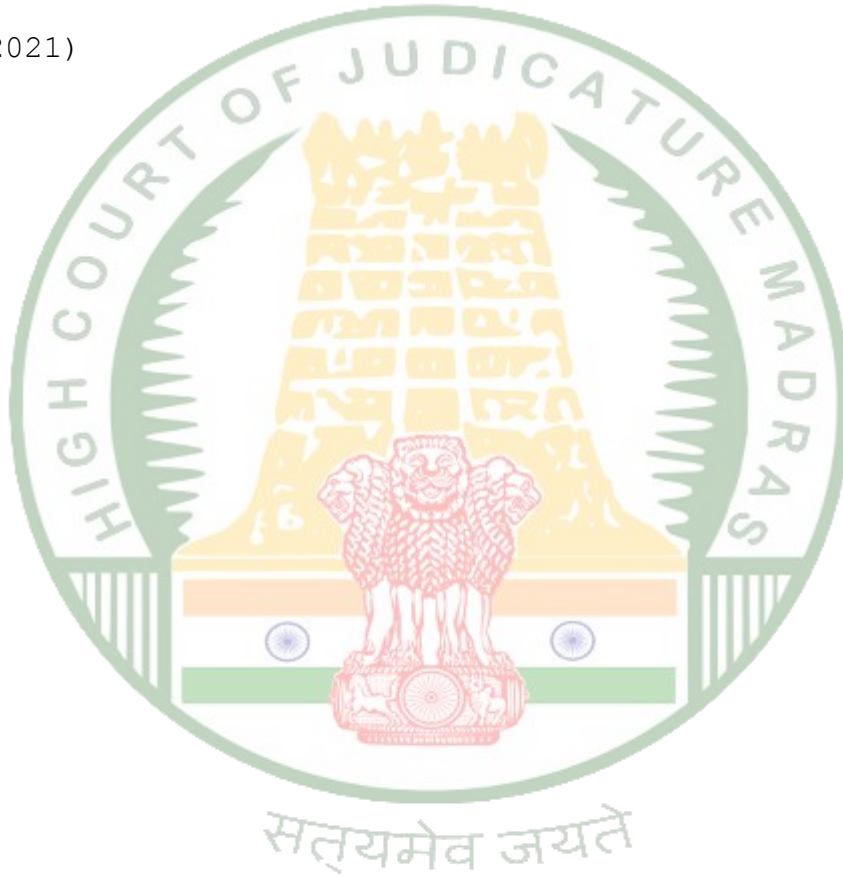
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3.The State legal Service Authority,
North Fort Road,
High Court Campus,
Chennai 104.

+1cc to Mr.J.Pradeep, Advocate, S.R.No. 12716

Cr1.RC.No.108 of 2021

GMI (CO)
GN(23/03/2021)



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