

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.204 of 2021

1.Panneerselvam (Panneer)
2.Karthik
3.Sivalingam
4.Prasath Kumar

...Petitioners/Accused 1 to 4

...vs...

The Inspector of Police,
T-10, Thirumullaivoyal Police Station,
Chennai,
Crime No.462 of 2020.

... Respondents/Complainant

Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C, to set aside the order dated 03.03.2021 passed by the Judicial Magistrate at Ambattur in P.R.C.No.30 of 2020 in Crime No.462 of 2020.

For Petitioners : Mr.Karthick
for Mr.V.Devendhiran

For Respondents : Ms.T.P.Savitha
Government Advocate (Crl.Side)

O R D E R

Ms.T.P.Savitha, learned Government Advocate (Crl.Side) takes notice for the respondent. By consent of both parties, the Criminal Revision Case is taken up for final hearing at the admission stage itself. सत्यमेव जयते

2.The Criminal Revision Case has been filed against the order dated 03.03.2021 in P.R.C.No.30 of 2020 on the file of the learned Judicial Magistrate, Ambattur.

3.The case of the petitioners is that the petitioners are the accused in Crime No.462 of 2020. During the investigation, the petitioners filed the petitions under Section 167(2) Cr.P.C in C.M.P.Nos.1609 and 1608 of 2020 before the learned Judicial Magistrate, Ambattur for mandatory bail, since the prosecution has not filed the charge sheet within the stipulated time, the learned Magistrate, by order dated 23.09.2020 granted bail. Subsequently, the petitioners were detained under Goondas Act

and they have not executed the sureties as imposed by the trial Court within the stipulated time. Thereafter, the respondent police filed a charge sheet before the learned Judicial Magistrate, Ambattur and the same was taken on file in P.R.C.No.30 of 2020. The learned Magistrate, after enquiry, remanded the petitioners/A1 to A4 under Section 309 Cr.P.C till 06.03.2021 and the same was extended till 31.03.2021. Challenging the same, the present revision case.

4. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and also perused the materials available on record.

5. Admittedly, the case was registered against the petitioners in Crime No.462 of 2020 for the offence under Section 302 IPC and they were enlarged on bail on 23.09.2020. Subsequently, the petitioners were detained under Goondas Act. On completion of the investigation, the respondent police filed the charge sheet before the learned Magistrate and the same was taken on file in P.R.C.No.30 of 2020. After enquiry, the learned Magistrate by order dated 03.03.2021 observed that A1 to A4 lost their right to statutory/default bail under Section 167(2) Cr.P.C., as they failed to avail such right granted to them u/s 167(2) Cr.P.C., since they have not complied with order dated 23.09.2020, by executing the sureties and hence, the learned Magistrate initiated proceedings under Section 309 Cr.P.C. For the reason that the petitioners have not availed the relief of bail granted by the learned Magistrate and they were detained under Goondas Act, has nothing to do with the petitioners to produce the sureties.

6. In the light of the above facts, this Court does not find any perversity in the order dated 03.03.2021 passed in P.R.C.No.30 of 2020 by the learned Judicial Magistrate, Ambattur. Accordingly, this Criminal Revision Case is dismissed.

7. However, investigation was completed and charge sheet also filed and the same was taken on file as P.R.C.No.30 of 2020 and hence, the petitioners are at liberty to file a fresh bail application before the learned Magistrate. On such application, the learned Magistrate is directed to take the case on file and consider the same on the same day.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Judicial Magistrate,
Ambattur.

2.Do Thro The Chief Judicial Magistrate
Thiruvallur.

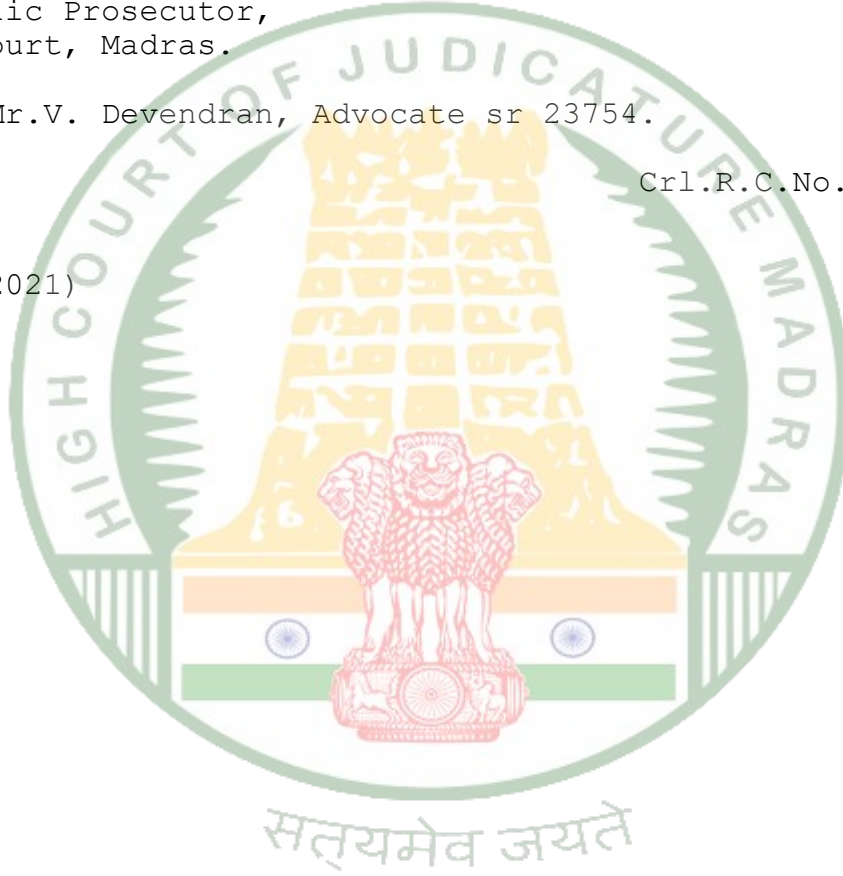
3.The Inspector of Police,
T-10, Thirumullaivoyal Police Station,
Chennai.

4.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.V. Devendran, Advocate sr 23754.

Crl.R.C.No.204 of 2021

EV(CO)
SP(14/06/2021)



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