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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.453 of 2021
and
Crl.M.P.No.7396 of 2021

Thilakar

... Petitioner/Respondent/Accused

..VS..

1. The First Class Executive Magistrate-cum-
Revenue Divisional Officer,
Udayarpalayam,
Ariyalur District.

2. State Rep.by
Inspector of Police,
Meensurutti Police Station,
Meensurutti, Ariyalur District.

... Respondents/Petitioner/Complainant

Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C, to set aside the order dated 14.06.2021 passed by the learned First Class Executive Magistrate-cum-Revenue Divisional Officer, Udayarpalayam, Ariyalur District by its proceedings in Na.Ka.A3/1226/2021.

For Petitioner : Mr.M.Mohamed Riyas

For Respondents : Mr.S.Sugendran
Government Advocate (Crl.Side)

O R D E R

This Criminal Revision Case has been filed against the order dated 14.06.2021 passed in Na.Ka.A3/1226/2021 by the First Class Executive Magistrate-cum-Revenue Divisional Officer, Udayarpalayam, Ariyalur District.

2.The case of the prosecution is that the petitioner



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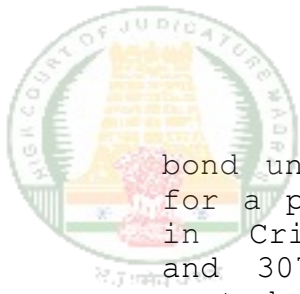
alleged to have involved in some litigations, the respondent police registered a case and the petitioner executed a bail bond under Section 110 Cr.P.C to maintain good behaviour for a period of one year. During the said bond period, the petitioner alleged to have involved in Crime No.183 of 2021 for the offence punishable under Sections 294(b) and 307 IPC. Based on the complaint given by the wife of the injured witness, the second respondent police registered the above said case against the petitioner and he was arrested and remanded to judicial custody, since the injured was admitted in the hospital for treatment. Subsequently, while the petitioner was in custody, on Prisoner's Warrant, he was produced before the first respondent on 14.06.2021 and papers were served on him and after examination of the witnesses, the first respondent passed an impugned order dated 14.06.2021 and committed the accused to undergo imprisonment for the remaining period in the bond period under Section 122(1)(b) Cr.P.C. Challenging the said impugned order, the petitioner is before this Court.

3.The learned counsel for the petitioner would submit that while the petitioner was in custody, on Prisoner's Warrant, he was produced before the first respondent on 14.06.2021 and on the same day itself without affording any opportunity to the petitioner to engage a counsel to defend his case, the first respondent passed the impugned order, which violates the principles of natural justice. Therefore, the impugned order passed by the first respondent is liable to be set aside.

4.The learned Government Advocate (Crl.Side) for the respondents would submit that since the petitioner alleged to have involved in petty cases in the Village and in order to keep good behaviour for a period of one year, the petitioner executed a bail bond under Section 110 Cr.P.C. Subsequently, the petitioner involved in the case in Crime No.183 of 2021 for the offence punishable under Sections 294(b) and 307 IPC. Since the injured witness, who sustained grievous injuries was taking treatment in the hospital, based on the complaint given by the wife of the injured witness the respondent police registered the case against the petitioner and he was arrested and remanded to judicial custody. After due enquiry, the first respondent initiated proceedings under Section 122 (1) (b) of Cr.P.C and cancelled the bail bond executed under Section 110 Cr.P.C. Hence, there is no merit in this case and the same may be liable to be dismissed.

5.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondents and also perused the materials available on record.

6.Admittedly, on 20.10.2020 the petitioner executed a bail



bond under Section 110 Cr.P.C., for maintaining good behaviour for a period of one year. Subsequently, the petitioner involved in Crime No.183 of 2021 for the offence under Sections 294(b) and 307 IPC and he was arrested and remanded to judicial custody. Based on the complaint given by the wife of the injured witness the respondent police registered the said case against the petitioner and she was also examined as one of the witnesses in the said proceedings. Further, the medical records clearly shows that the petitioner used deadly weapons and attacked the injured witness and he sustained lacerated injury on her face and hence, the injury sustained by the husband of the de facto complainant is grave in nature. Therefore, the first respondent satisfied with the evidence of the witnesses and records, initiated proceedings under Section 122(1)(b) Cr.P.C against the petitioner for the breach of bond executed under Section 110 Cr.P.C.

7. Considering the above facts and circumstances, this Court does not find any perversity or illegality in the order dated 14.06.2021 passed by the first respondent and hence, the Criminal Revision Case is liable to be dismissed and accordingly, this Criminal Revision Case is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-V)

// True Copy//

Sub Assistant Registrar

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To

1. The First Class Executive Magistrate-cum-
Revenue Divisional Officer,
Udayarpalayam,
Ariyalur District.
2. The Judicial Magistrate, No. II
Jayangondam.
3. The Inspector of Police,
Meensurutti Police Station,
Meensurutti, Ariyalur District.



4. The Superintendent,
Central Prison, Trichy.

5. The Additional Public Prosecutor,
High Court, Madras.

6. The Superintendent/
Prison Incharge/Sub-Jail,
Jayankondam.

Crl.R.C.No.453 of 2021
and
Crl.M.P.No.7396 of 2021

PR(CO)
SU(31/08/2021)