



Bail Slip

The Petitioner/Accused namely Mohan, S/o. Sundaramurthy was released on bail as per the order of this Court dated 15.05.2019 made in Crl.M.P.No.6655/2019 in Crl.R.C.No.449/2019.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2021

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

CRL.R.C.No.449 of 2019

Mohan
S/o, Sundaramurthy
Kadapakkam Kuppam,
Cheyyur Taluk,
Kancheepuram District.

...Petitioner/Accused

Versus

1. The State Rep. By
The Executive Magistrate cum
Revenue Divisional Officer,
Maduranthagam,
Kancheepuram District.

2. The Inspector of Police,
Chunambedu Police Station,
Kancheepuram District.

...Respondents/Complainant

PRAYER: Criminal Revision Petition filed under Sections 397 & 401 of the Code of Criminal Procedure, to call for the records and set aside the order of conviction and sentence passed by the learned Executive Magistrate cum Revenue Divisional Officer, Maduranthakam, Kancheepuram District, the 1st respondent herein passed in M.P.No.3/2018-R.C.No.4855/2018/B dated 09.03.2019 sentencing the petitioner Mohan , S/o, Sundaramurthy to undergo 224 days.

For Petitioners: Mr.A.Murugavel

For Respondent : Mr.S.Sugendran

Government Advocate, (Criminal Side)



ORDER

Criminal Revision Petition filed by the petitioner to call for the records and set aside the order of conviction and sentence passed by the learned Executive Magistrate cum Revenue Divisional Officer, Maduranthakam, Kancheepuram District, the 1st respondent herein passed in M.P.No.3/2018-R.C.No.4855/2018/B dated 09.03.2019 sentencing the petitioner Mohan, S/o, Sundaramurthy, to undergo 224 days.

2. The petitioner said to have executed a bond under section 110 Cr.P.C for his good behaviour for the term of one year from 15.10.2018 by entering into a bond with one surety himself for Rs.10,000/- and he also executed the said bond and subsequently proceeding was initiated against him stating that he violated and breached the bond, based on the evidence adduced before the respondent and also cancelled the bond in order to retain him in prison until the expiry of the bond period. Challenging the said order, the petitioner has filed the present revision petition.

3. The learned counsel for the petitioner would submit that when the petitioner was in prison proceedings was initiated and he was alleged to have involved in murder case and while he was in custody, the petitioner was produced before the respondent and without giving opportunity, the bond was cancelled and order was passed.

4. Further he submitted that he was not given any opportunity either to get legal assistance or not given sufficient time to defend his case. Therefore, the order passed by the Executive Magistrate cum Revenue Divisional Officer is liable to be set aside.

5. The learned Government Advocate (Criminal Side) appearing for the official respondent would submit that during the bond period the petitioner involved in murder case and the case was also registered and he was arrested and also remanded in custody. Therefore during the bond period since he violated the condition of the bond, the bond was cancelled.

6. Heard learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the official respondent.

7. While the petitioner was in custody, the petitioner was made to appear before the respondent and order was passed which reveals that no opportunity was given and without giving any reason and without giving opportunity to engage a counsel or sufficient time to take his defence, the order was passed.



Even the order does not refer to any crime number and the particulars of earlier case, on which he executed the bond and subsequent violation of the bond and the order passed by the respondent is not a speaking order and any judicial order or quasi judicial order must contain reason and a reading of the impugned order shows that it is bereft of particulars. Therefore in such circumstances, the order passed by the first respondent is set aside. The respondent is directed to initiate fresh proceedings after giving opportunity and pass the order afresh in accordance with law. Accordingly the Criminal Revision Petition is allowed.

s/d-

Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

mfa

To

1. The Executive Magistrate cum
Revenue Divisional Officer,
Maduranthagam,
Kancheepuram District.
 2. The Inspector of Police,
Chunambedu Police Station,
Kancheepuram District.
 3. The Public Prosecutor,
High Court,
Madras.
 4. The Judicial Magistrate
Maduranthagam
Kancheepuram District
 5. The Superintendent
Central Prison
Puzhal, Chennai
- +1 CC to Mr.T.R. Ravi, Advocate sr 36622.

CRL.R.C.No.449 of 2019

NMI (CO)
SP (25/08/2021)