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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2021

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Criminal Revision Case No.447 of 2021
Crl.M.P.No.7276 of 2021

R.VENKATESAN @ MAVA VENKATESAN

... Petitioner

Vs.

1. EXECUTIVE MAGISTRATE - CUM - DEPUTY
COMMISSIONER OF POLICE
Triplicane District, Chennai-600 002.

2. INSPECTOR OF POLICE
F-5 Choolaimedu Police Station
Chennai - 600 094.

... Respondent

Prayer :

Criminal Revision filed under Section 397 read with 401 of Criminal Procedure Code, praying to call for the records in M.P.No.07 of 2021 in R.C.No.51/Sec.Pro/DCP Triplicane / 2021 in F-5, Choolaimedu PS.SI.No.37/2021 on the file of the 1st Respondent, and set aside the order dated 02.07.2021 thereunder and the sentence awarded thereunder.

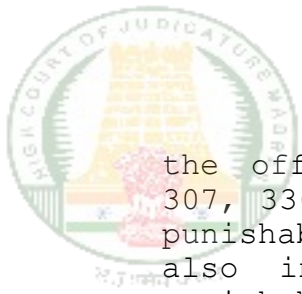
For Petitioner : Mr.D.Percivul Pericles

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

ORDER

This Criminal Revision has been filed against the order dated 02.07.2021 in M.P.No.07 of 2021 in R.C.No.51/Sec.Pro/DCP Triplicane / 2021 in F-5, Choolaimedu PS.SI.No.37/2021 on the file of the 1st respondent.

2. The case of the petitioner is that the petitioner had involved in cases in Crime No.2707/2017 for the offence punishable under Section 328 IPC read with Section 6 (a) COPTA 2003, Crime No.262 of 2018 for the offence punishable under Section 341, 324, 307, 506(ii) IPC, Crime No.269 of 2018 for



the offence punishable under Sections 341, 294(b), 323, 392, 307, 336, 427, 506(ii) IPC, Crime No.25 of 2019 for the offences punishable under Sections 147, 148, 341, 302 and 506(ii) IPC and also involved in Crime No.75 of 2019 for the offences punishable under Sections 147, 148, 294(b), 307, 506(ii) read with Section 4 of TNPWH Act. While the cases were pending, the petitioner was asked to execute a bond under Section 107 Cr.P.C. to maintain peace. Accordingly, he executed the bond. During the pendency of the bond, the petitioner again involved in another offence and thereby, a case in Crime No.556 of 2021 was registered against the petitioner on 23.06.2021 for the offences punishable under Sections 341, 294(b), 324 and 506(ii) IPC based on the complaint given by one Rajesh and the petitioner was arrested and remanded to judicial custody on the same day. Thereafter, the petitioner was issued summons by the 1st respondent based on the recommendation of the 2nd respondent. Subsequently, the petitioner was produced before the 1st respondent and copies were served and the witnesses 1 to 5 were examined. Thereafter, the 1st respondent being satisfied that during the pendency of the bond period, the petitioner involved in the another case in Crime No.556 of 2021 for the offences punishable under Sections 341, 294(b), 324 and 506(ii) IPC, cancelled the bond executed by the petitioner under Section 107 Cr.P.C. Challenging the said order of cancellation of bail bond, the present revision has been filed before this Court.

3. Perusal of records shows that the petitioner had involved in several cases including for the offences punishable under Sections 302 and 306 IPC as stated above. Therefore, he was asked to execute a bond under Section 107 Cr.P.C. to maintain peace and accordingly, he executed the same. While he was on bail and during the pendency of the bond period, he has again involved in the ground case in Crime No.556 of 2021 and subsequently, he was arrested and remanded to judicial custody. Thereafter, on the notice issued by the 1st respondent, the petitioner had engaged a counsel. However, the witnesses were not cross examined and the order shows that the petitioner while questioning under Section 313 Cr.P.C., he pleaded guilty. Therefore, the 1st respondent admonished him not to indulge in any offence in future and being satisfied that during the pendency of bond period, the petitioner involved in the ground case in Crime No.556 of 2021, the 1st respondent cancelled the bond executed by the petitioner under Section 107 Cr.P.C. and also sentenced him to undergo imprisonment for the remaining bond period.

4. This Court does not find any perversity or illegality in the order passed by the Executive Magistrate / 1st respondent and there is no merit in the case and the petition is liable to be dismissed.



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5. Accordingly, the Criminal Revision case is dismissed.
Consecutively, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

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To

1. The Metropolitan Magistrate
Saidapet, Chennai.
2. Executive Magistrate - Cum - Deputy
Commissioner of Police
Triplicane District, Chennai-600 002.
3. The Superintendent of Prison
Sub-Jail Ponneri, Thiruvallur.
4. Inspector of Police
F-5 Choolaimedu Police Station
Chennai - 600 094.
5. The Public Prosecutor Officer,
High Court, Madras.
6. The Section Officer,
Criminal Section Record,
High Court, Madras.

+2cc to Mr.D.Percivul Pericles, Advocate, S.R.No.37589

Criminal Revision Case No.447 of 2021

RLD(CO)
CT(26/08/2021)