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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CRL.R.C.NO.475 OF 2019

Srinivasan

...Petitioner / Respondent /  
Respondent

Vs.

1.The Executive Magistrate cum  
Deputy Commissioner of Police,  
Madhavaram Range,  
Chennai City Police.

2.State : Inspector of Police,  
Law and Order,  
M-8, Sathangadu Police Station,  
Chennai.

...Respondents / Petitioners /  
Petitioners

PRAYER: This Criminal Revision is filed under Section 397 and 401 of the Criminal Procedure Code, to set aside the order dated 16.05.2019 passed by the 1<sup>st</sup> respondent in M.P.No.06 of 2019 in C.No.250/Sec.Pro/DC.MVM/2019 on the file of the Executive Magistrate cum Deputy Commissioner of Police.

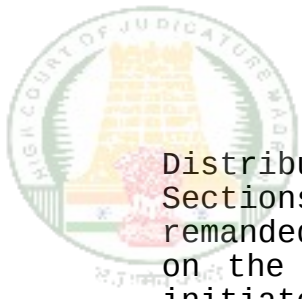
For Petitioner : Mr.M.Kaveri Selvam

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

O R D E R

The present criminal revision has been filed to set aside the order dated 16.05.2019 passed by the 1<sup>st</sup> respondent in M.P.No.06 of 2019 in C.No.250/Sec.Pro/DC.MVM/2019 on the file of the Executive Magistrate cum Deputy Commissioner of Police.

2. The case of the petitioner is that originally, the case was registered against the petitioner in Crime No.53 of 2019 and subsequently, he was granted bail with a condition to execute bond under Section 107 of the Criminal Procedure Code. During the bond period, he alleged to have involved in a ground case in Crime No.145 of 2019 under Section 2(e)(iv)(vi) of Motor Spirit and High Speed Diesel (Prevention of Malpractice in Supply and



Distribution Order 1998 and 7(i)a(ii) of EC Act 1955 and Sections 379 and 285 IPC. Subsequently, he was arrested and remanded to the judicial custody. While he was in custody, based on the report filed by the 2nd respondent, the 1st respondent initiated proceedings under Section 122(1)(b) of Cr.P.C., and he was produced before 1st respondent and the order was passed cancelling the bond executed under Section 107 for the reason that he breached the bond. Challenging the said order, the petitioner filed the present revision before this Court.

3. Learned counsel for the petitioner would submit that no opportunity was given to the Petitioner to engage a counsel and he was not furnished with any copy of the proceedings. Therefore, it violates the procedure.

4. Learned Government Advocate (Crl.Side) would submit that during the bond period, the petitioner involved in a ground case in Crime No.145 of 2019. Therefore, he was arrested and remanded to the judicial custody. Therefore, the 1<sup>st</sup> respondent initiated proceedings under Section 122(1)(b) of Cr.P.C., and passed an order cancelling the bond. However, investigation has been completed and charge sheet has also been filed and the case was taken on file in C.C.No.332 of 2019. Since the petitioner had involved in other case during the bond period and failed to keep the peace and violated the bond, the bond executed by the petitioner was cancelled.

5. The original case was already investigated and charge sheet also filed and copies also furnished to the petitioner and 1<sup>st</sup> respondent being satisfied with the reasons that during the bond period, the petitioner involved in a ground case, cancelled the bond and thereafter, the criminal revision was filed in the year 2019.

6. Since charge sheet already filed for the case in Crime No.145 of 2019 and the case was taken on file and the same is pending for trial, this Court is not inclined to interfere with the order of the 1<sup>st</sup> respondent and therefore, there is no merit in the present revision.

7. Accordingly, the criminal revision is dismissed.

Sd/-  
Assistant Registrar (CS-IX)

// True Copy //

Sub Assistant Registrar

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To

- 1.The Judicial Magistrate,  
Thiruvottriyur,  
Thiruvallur District.
- 2.The Chief Judicial Magistrate,  
Thiruvallur District.  
(for Information)
- 3.The Commissioner of Police,  
Metropolitan City,  
Veppery, Chennai - 600 007.
- 4.The Executive Magistrate cum  
Deputy Commissioner of Police,  
Madhavaram Range,  
Chennai City Police.
- 5.The Superintendent,  
Central Prison, Puzhal,  
Chennai.
- 6.The Inspector of Police,  
Law and Order,  
M-8, Sathangadu Police Station,  
Chennai.
- 7.The Public Prosecutor,  
High Court, Madras.

Cr1.R.C.No.475 of 2019

NR(CO)  
RVM(26/08/2021)