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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2021

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Criminal Revision Case No.484 of 2019
and
Crl.M.P.No.6795 of 2019

Arunkumar ... 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-6, Manali Police Station
Chennai

3. State: Inspector of Police
Law and Order
H-8, Thiruvattiyur Police Station
Chennai

... Respondents/Petitioners/Petitioners

Prayer : Criminal Revision filed under Section 397 and 401 of Criminal Procedure Code, praying to set aside and revise the Order dated 10.05.2019 passed by the 1st respondent in M.P.No.05 of 2019 in R.C.No.38/Sec.Pro/DCP MVM/2019 on the file of the Executive Magistrate cum Deputy Commissioner of Police.

For Petitioner : Mr.R.Parthiban
for M/s.M.Kaveriselvam

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

ORDER

(The case has been heard through video conference)

This Criminal Revision has been filed against the order dated 10.05.2019 passed by the 1st respondent in M.P.No.05 of 2019 in R.C.No.38/Sec.Pro/DCP MVM/2019.



2. The case of the petitioner is that originally the petitioner had involved in a case in Crime No.999 of 2016 for offence under Section 307 @ 302 IPC and subsequently, the petitioner was asked to execute a bond under Section 110 Cr.P.C. for maintaining good behavior and accordingly, he executed the bond under Section 110 Cr.P.C. for maintaining good behavior on 18.02.2019 before the 1st respondent. However, during the bond period, the petitioner is alleged to have involved in another case Crime No.371 of 2019 for offence punishable under Section 392 IPC following which, he was arrested and remanded to judicial custody. Since, the petitioner breached the bond conditions executed under Section 110 Cr.P.C., the 1st respondent initiated proceedings under Section 122(1)(b) Cr.P.C. based on the report received from the 2nd respondent and the petitioner was produced before the 1st respondent on P.T. Warrant. Subsequently the 1st respondent passed an order on 10.05.2019 and cancelled the bond executed by the petitioner under Section 110 Cr.P.C. and sentenced him to undergo imprisonment for the remaining bond period. Challenging the said order, the present revision has been filed before this Court.

3. The learned Counsel for the petitioner would submit that while the petitioner was produced on P.T.Warrant before the 1st respondent on 10.05.2019, no copies were served on the petitioner and without serving copies and without giving opportunity to the petitioner, the order has been passed against the petitioner which violates the Principles of Natural Justice.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner had earlier involved in a case in Crime No.999 of 2016 for offence under Section 307 @ 302 IPC and subsequently, the petitioner was asked to execute a bond under Section 110 Cr.P.C. for maintaining good behavior and accordingly, he executed the same on 18.02.2019 before the 1st respondent. However, during the bond period, the petitioner involved in another case in Crime No.371 of 2019 for offence punishable under Section 392 IPC. Therefore, the proceedings under Section 122(1)(b) Cr.P.C. was initiated against the petitioner and subsequently, the 1st respondent satisfied that the petitioner has involved in the ground case by violating the bail conditions as well as the undertaking given in the bond, and thereby, cancelled the bond executed by the petitioner under Section 110 Cr.P.C. and also sentenced him to undergo imprisonment for the remaining bond period. Therefore, there is no violation of Principles of Natural Justice and there is no merit in the revision.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondents and perused the materials on record.



6. Admittedly, the petitioner had originally involved in a case in Crime No.999 of 2016 for offence under Section 307 @ 302 IPC and during pendency of investigation, the petitioner was granted bail and at that time, the petitioner was asked to execute a bond under Section 110 Cr.P.C. for maintaining good behaviour and accordingly, he executed the same. Subsequently, during the pendency of the trial and also bond period, the petitioner is alleged to have involved in another case and thereby, a case in Crime No.371 of 2019 for offence punishable under Section 392 IPC was registered by the 3rd respondent based on the complaint given by one Sowmya. Therefore, the 1st respondent initiated proceedings under Section 122(1)(b) Cr.P.C. against the petitioner and the petitioner was given sufficient opportunity. Thereafter, the defacto complainant was examined and she gave a statement before the 1st respondent and that the petitioner pleaded guilty. Therefore, the 1st respondent satisfied that the petitioner breached the bond condition and involved in the ground case in Crime No.371 of 2019 for the offence punishable under Section 392 IPC and also considering the antecedents of the petitioner, cancelled the bond executed by the petitioner under Section 110 Cr.P.C. This Court does not find any perversity in the order passed by the 1st respondent and there is no merit in this revision.

6. Accordingly, this Criminal Revision case is dismissed. Consequentially, connected Miscellaneous Petition is closed. The respondent police is directed to secure the petitioner to undergo imprisonment for the remaining bond period.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

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

2.The Inspector of Police,
Law and Order,
M-6, Manali Police Station,
Chennai.



3.The Inspector of Police,
Law and Order,
H-8, Thiruvattiyur Police Station,
Chennai.

4.The Public Prosecutor Officer,
High Court, Madras.

5.The Section Officer,
Criminal Section,
High Court, Madras.

Criminal Revision Case No.484 of 2019

PVS (CO)
PR (01/09/2021)