



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2021

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Criminal Revision Case No.455 of 2021
and
Crl.M.P.No.7478 of 2021

Manimaran

... Petitioner / Accused

Vs.

1. The Executive Magistrate and
Deputy Commissioner of Police
St. Thomas Mount,
Chennai - 600 016.

2. The Inspector of Police
Peerankaranai Police Station
Chennai.

.. Respondent /Complainant

Prayer : Criminal Revision filed under Section 401 of Criminal Procedure Code, praying to set aside the order in M.P.No.06 of 2021 dated 18.06.2021 on the file of the 1st respondent.

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

ORDER

This Criminal Revision has been filed by the petitioner to set aside the order in M.P.No.06 of 2021 dated 18.06.2021 on the file of the 1st respondent.

2. The case of the petitioner is that originally the petitioner involved in a case in Crime No.1799 of 2016 for the offences punishable under Sections 294(b), 384, 506(ii) IPC and subsequently, the petitioner executed a bond on 20.03.2021 before the 1st respondent under Section 110 Cr.P.C. for good behavior. However, during bond period, the petitioner is alleged to have involved in another case in Crime No.339 of 2021 for the offence punishable under Section 147, 148 and 302 IPC following which, the petitioner was arrested and remanded to judicial custody on 02.06.2021. Since, the petitioner breached the bond conditions executed under Section 110 Cr.P.C., proceedings was



initiated against the petitioner under Section 122(1)(b) Cr.P.C. and a summons was issued and he was produced before the 1st respondent and the proceedings under Section 207 Cr.P.C. were also complied with. Thereafter, witnesses were examined. The petitioner had engaged a counsel and he also appeared however, he had not cross examined the witnesses. Therefore, the 1st respondent being satisfied with the report submitted by the 2nd respondent that during the bond period, the petitioner involved in another case in Crime No.339 of 2021 for the offence punishable under Section 302 IPC, 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 of cancellation of bail bond, the present revision has been filed before this Court.

3. The learned Counsel for the petitioner would submit that no opportunity was given to the petitioner and his Counsel was not allowed to cross examine the witnesses and thereby, the learned Executive Magistrate has violated the Principles of natural justice and passed the impugned order. Therefore, the order is liable to be set aside.

4. The learned Government Advocate (Crl. Side) would submit that originally the petitioner involved in a case in Crime No.1799 of 2016 for the offences punishable under Sections 294 (b), 384, 506(ii) IPC and subsequently, the petitioner executed a bond on 20.03.2021 before the 1st respondent under Section 110 Cr.P.C. for good behavior. However, during bond period, the petitioner is alleged to have involved in another case in Crime No.339 of 2021 for the offence punishable under Sections 147, 148 and 302 IPC following which, the petitioner was arrested and remanded to judicial custody on 02.06.2021. 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. and he was duly served summons and he also appeared before the 1st respondent. Though, opportunity was given to the Counsel for the petitioner, he did not cross examine the witnesses. Thereafter, prima facie found that the petitioner violated the undertaking given in the bond and breached the bond. The 1st respondent being satisfied with the materials, rightly passed orders under Section 122 (1) (b) of Cr.P.C. 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. 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.



6. A reading of records shows that originally the petitioner involved in a case in Crime No.1799 of 2016 for the offences punishable under Sections 294(b), 384, 506(ii) IPC and subsequently, the petitioner executed a bond on 20.03.2021 before the 1st respondent under Section 110 Cr.P.C. for maintaining good behavior. However, during bond period, the petitioner is alleged to have involved in another case in Crime No.339 of 2021 for the offence punishable under Sections 147, 148 and 302 IPC following which, the petitioner was arrested and remanded to judicial custody on 02.06.2021. Since, the petitioner breached the bond conditions executed under Section 110 Cr.P.C., the 1st respondent initiated proceedings against the petitioner under Section 122(1)(b) Cr.P.C. and he was duly served with summons. Subsequently, he was produced before the 1st respondent and copies were also served on the petitioner and Section 207 Cr.P.C. proceedings was duly complied with. Subsequently, the defacto complainant was examined and other witnesses were also examined. The petitioner was given opportunity to engage a Counsel and one Mr. Ambedkar, Advocate from Chennai was engaged by the petitioner and he also appeared before the 1st respondent and opportunity was also given to him. Thereafter, the 1st respondent being satisfied with the materials that the petitioner despite the bond executed by him to maintain good behaviour, had breached the bond and involved in another case in Crime No.339 of 2021 for the offence under Sections 147, 148 and 302 IPC. Further, the offence alleged to have involved was grave in nature and thereby, the 1st respondent rightly cancelled the bond and sentenced imprisonment of remaining bond period. This Court finds no merit in the petition and the petition is liable to be dismissed.

7. Accordingly, this Criminal Revision case is dismissed. Consequently, connected Miscellaneous Petition is closed. The petitioner is at liberty to take all his defence in the case in Crime No.339 of 2021 at the time of trial.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Executive Magistrate and
Deputy Commissioner of Police
St. Thomas Mount,
Chennai - 600 016.



2. The Inspector of Police
Peerankaranai Police Station
Chennai.

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

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

Criminal Revision Case No.455 of 2021

SJ(CO)
B.VC(23.08.2021)