



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.08.2021

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

CRL.R.C.No.557 of 2019

Suji @ Sujatha
W/o, Sreedar

... Petitioner

Versus

1.The Executive Magistrate cum Deputy Commissioner,
Madhavaram,
Chennai.

2.State represented by
The Inspector of Police (Law & Order),
M-5, Ennore Police Station,
Chennai.

... Respondents

PRAYER: Criminal Revision Petition filed under Section 397 r/w 401 of the Code of Criminal Procedure, to set aside the order dated 04.06.2019 passed u/s.122(1)(b) of Cr.P.C in M.P.No.07 of 2019 in RC.No.205 /Sec.Pro/DCP MVM/2018 in M-5, Madhavaram P.S. S1.No.79/2018 u/s.110 of Cr.P.C. On the file of the Executive Magistrate cum Deputy Commissioner, Madhavaram, Chennai to undergo Simple Imprisonment of 150 days.

For Petitioner : No appearance

For Respondents : Mr.S.Vinoth Kumar
for Public Prosecutor

ORDER

This Criminal Revision Petition has been filed to set aside the order dated 04.06.2019 passed u/s.122(1)(b) of Cr.P.C in M.P.No.07 of 2019 in RC.No.205/Sec.Pro/DCP MVM/2018 in M-5, Madhavaram P.S. S1.No.79/2018 u/s.110 of Cr.P.C. on the file of the Executive Magistrate cum Deputy Commissioner, Madhavaram, Chennai to undergo Simple Imprisonment of 150 days.

2. The case of the petitioner is that originally the petitioner had involved in case in Crime No.1978 of 2017 for the offence under Section 8(c) r/w 20(b),(ii),(B) of NDPS Act and subsequently, the petitioner was asked to execute a bond



under Section 110 Cr.P.C. for maintaining good behavior and accordingly, she executed the bond under Section 110 Cr.P.C. for good behavior on 22.10.2018 before the 1st respondent. However, during the bond period, the petitioner is alleged to have involved in another case Crime No.230 of 2019 of 2019 for the offences punishable under Sections 8(c) r/w 20(b), (ii), (B) of NDPS Act following which, she 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 after completing the formalities, examined the witnesses and passed an order on 04.06.2019, cancelled the bond executed by the petitioner under Section 110 Cr.P.C. and sentenced her to undergo imprisonment for the remaining bond period. Challenging the said order, the present revision has been filed before this Court.

3. Today when the matter is taken up for hearing, there is no representation for the petitioner. On a perusal of the grounds of revision, it shows that the first respondent failed to give an opportunity to engage a counsel for defending her case and she has not served with the copies and without following the procedure and without conducting fair enquiry, the first respondent imposed the sentence to undergo remaining bond period.

4. The learned Government Advocate (Criminal Side) appearing for the official respondent would submit that the petitioner was originally involved in a case in Crime No.1978 of 2017 for the offence under Section 8(c) r/w 20(b), (ii), (B) of NDPS Act. Subsequently, a bond was executed. During the bond period, the petitioner was involved in the ground case. He also submitted that the petitioner is a habitual offender and she was involved in 17 previous cases. Further, the Executive Magistrate initiated proceedings under section 122(1)(b) Crpc and after recording their evidence and on being satisfied with the same, he canceled the bond and passed the final order to undergo imprisonment for the remaining period of 150 days. Therefore, there is no merit in the Criminal Revision Petition and the same is liable to be dismissed.

5. Admittedly, the petitioner was originally involved in case in Crime No.1978 of 2017 for the offence under Section 8(c) r/w 20(b), (ii), (B) of NDPS Act. Subsequently, bond was executed. During the bond period, the petitioner was involved in the ground case. The she was arrested and remanded to the judicial custody. When she was in judicial custody for the ground case, summon was issued and she was produced before the



first respondent on P.T warrant and after examining the witnesses, satisfied with the report filed by the second respondent, the Executive Magistrate canceled the bond and passed the final order to undergo imprisonment for the remaining period of 150 days. The petitioner raised the main ground that opportunity was not given and without giving opportunity and fair enquiry the first respondent has passed the impugned order. On a perusal of the record shows that the petitioner was produced before the first respondent after serving copies and the first respondent conducted enquiry and during questioning under section 313 Cr.P.C, the petitioner admitted the guilt of the offence. Therefore, the first respondent satisfied that the during the bond period, the petitioner breached the conditions. Therefore, the petitioner was sentenced to undergo the remaining sentence. She has to establish all her defence during trial. Therefore, there is no perversity in the order passed and this revision is liable to be dismissed. Accordingly, the Criminal Revision Case is dismissed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Judicial Magistrate,
Thiruvottiyur.
- 2.The Executive Magistrate cum Deputy Commissioner,
Madhavaram,
Chennai.
- 3.The Inspector of Police (Law & Order),
M-5, Ennore Police Station,
Chennai.
- 4.The Superintendent,
Central Prison II, Puzhal.
- 5.The Public Prosecutor,
High Court, Madras.

CRL.R.C.No.557 of 2019

RSV (CO)
PR (20/09/2021)