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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.674 of 2019

Sathya ... Petitioner/Respondent/Accused

Vs.

1.The Executive Magistrate cum
Deputy Commissioner of Police
Madhavaram District

... 1st Respondent/Detaining authority

2.State: Inspector of Police (Law & Order)
M5 Ennore Police Station,
Chennai-600 057

...2nd Respondent /Petitioner/Complainant

Prayer : Criminal Revision filed under Section 397 and 401 of Criminal Procedure Code, praying to set aside the order dated 07.05.2019 passed by the 1st respondent in M.P.No.03 of 2019 in R.C.No.244/Sec.Pro/DCP MVM/2019 in M5 Ennore P.S. SI.No.54/2019 under Section 107 Cr.P.C.

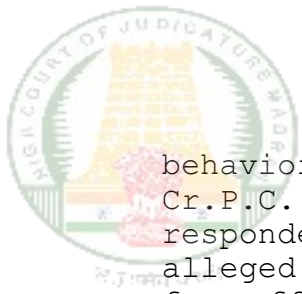
For Petitioner : Mr.Vellidass
for K.S.Kaviarasu

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

ORDER

This Criminal Revision has been filed against the order dated 07.05.2019 passed by the 1st respondent in M.P.No.03 of 2019 in R.C.No.244/Sec.Pro/DCP MVM/2019 in M5 Ennore P.S. SI.No.54/2019 under Section 107 Cr.P.C.

2. The case of the petitioner is that originally the petitioner had involved in Crime Nos.574 of 2017, 982 of 2017, 1041 of 2017, 1496 of 2017, 1533 of 2017, 1912 of 2017, 2187 of 2017, 728 of 2018, 729 of 2019 cases and thereby, the petitioner was asked to execute a bond under Section 107 Cr.P.C. for good

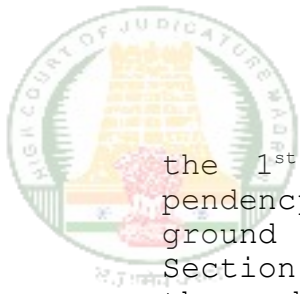


behavior and accordingly, he executed the bond under Section 107 Cr.P.C. for good behavior on 16.04.2019 before the 1st respondent. However, during bond period, the petitioner is alleged to have involved in another case in Crime No.179 of 2019 for offences punishable under Sections 341, 294(b), 336, 427, 392 read with 397, 506(ii) IPC following which, he was arrested and remanded to judicial custody. Since, the petitioner breached the bond conditions executed under Section 107 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 cancelled the bond executed by the petitioner under Section 107 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 no legal aid was provided to the petitioner and without giving sufficient opportunity to the petitioner, the 1st respondent cancelled the bond executed by the petitioner under Section 107 Cr.P.C. which violates constitutional rights. Therefore, the order is liable to be set aside.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner is a habitual offender and he has involved in several cases. Therefore, he was asked to execute a bond under Section 107 Cr.P.C. to maintain peace and accordingly, he executed the same. However, during the pendency of the bond period, again the petitioner involved in another case in Crime No.179 of 2019 for the offences punishable under Sections 341, 294(b), 336, 427, 392 read with 397, 506(ii) IPC following which, he was arrested and remanded to judicial custody. Since, the petitioner breached the bond conditions executed under Section 107 Cr.P.C. the 1st respondent initiated proceedings under Section 122(1)(b) Cr.P.C. and the petitioner was produced on P.T. Warrant before the 1st respondent. Subsequently, copies were served to the petitioner and the witnesses were examined. The 1st respondent found that the petitioner is a habitual offender and also satisfied with the materials placed before him and thereby, cancelled the bond executed by the petitioner under Section 107 Cr.P.C. and also sentenced the petitioner 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. A reading of the impugned order dated 07.05.2019 passed by the 1st respondent shows that after examining the witnesses, at the time of questioning under Section 313 Cr.P.C., the petitioner has admitted his guilt for the offence. Therefore,



the 1st respondent after satisfying himself that during the pendency of the bond period, the petitioner has involved in the ground case, cancelled the bond executed by the petitioner under Section 107 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.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

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To

- 1.The Executive Magistrate cum
Deputy Commissioner of Police
Madhavaram District
- 2.The Inspector of Police (Law & Order)
M5 Ennore Police Station,
Chennai-600 057
- 3.The Public Prosecutor Officer,
High Court, Madras.
- 4.The Section Officer,
Criminal Section,
High Court, Madras.

Criminal Revision Case No.674 of 2019

SR-II (CO)
SU(26/08/2021)