



BAIL SLIP

The Appellant/Accused, namely Elangovan, 24 Yrs S/o. Elumalai Petitioner/Accused was released on bail as per order of this Court dated 06.09.2019 made in CRL MP.NO.9592/2019 IN CRL RC.NO.688/2019.

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated : 28.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.688 of 2019

Elangovan

...Petitioner/ Accused

-Vs-

1. The State represented by
The Sub-Divisional Magistrate cum
Revenue Divisional Officer,
Maduranthagam,
Kancheepuram District.

2. The Inspector of Police,
G5, Achirapakkam Police Station,
Kancheepuram District.

...Respondents/Complainants

Criminal Revision Case filed under Sections 397 read with Section 401 of Cr.P.C. to call for records and set aside the order of conviction and sentence passed by the learned Sub-Divisional Magistrate cum Revenue Divisional Office, Madurantakam, Kancheepuram District, the first respondent herein passed in M.P.No.37/2019-R.C.No.849/2019/B dated 03.05.2019 sentencing the petitioner Elangovan S/o. Elumalai to undergo 337 days.

For Petitioner : Mr.Murugavel A
Respondents : Mr.S.Sugendran,
Government Advocate (Crl.Side)

O R D E R

This Criminal Revision Case has been filed against the order passed by the learned Sub-Divisional Magistrate cum Revenue Divisional Office, Madurantakam, Kancheepuram District, in M.P.No.37/2019-R.C.No.849/2019/B dated 03.05.2019 sentencing the petitioner to undergo imprisonment for a period of 337 days.



2 According to the petitioner, the first respondent, before passing the impugned order, has not given any opportunity to the petitioner to engage a counsel or to offer his explanations. There is no reason assigned by the first respondent to detain the petitioner in prison. Hence the first respondent violated the principles of natural justice, which warrants interference of this Court.

3 The learned Government Advocate (Crl.Side) would submit that during the bond period, the petitioner involved in two other cases, which are similar to the present case. Hence, the first respondent passed the order detaining the petitioner in prison for the remaining period of 337 days.

4 Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondents and also perused the materials available on record.

5 A careful perusal of the impugned order dated 03.05.2019 passed by the first respondent would go to show that the first respondent has not given any opportunity to the petitioner to engage a counsel or to avail any legal aid. It is the right of the accused to engage a counsel and defend the case on his behalf and the same should not be denied under any circumstances. On this score, this Court is inclined to set aside the impugned order passed by the first respondent.

6 Accordingly, the order passed by the learned Sub-Divisional Magistrate cum Revenue Divisional Office, Madurantakam, Kancheepuram District, in M.P.No.37/2019-R.C.No.849/2019/B dated 03.05.2019, is hereby set aside and the matter is remitted back to the first respondent to pass fresh orders in accordance with law after giving sufficient opportunities to the petitioner.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

cgi



To

1. The Judicial Magistrate, Maduranthagam.
2. The Chief Judicial Magistrate, Chengalpattu.
3. The Sub-Divisional Magistrate cum
Revenue Divisional Officer, Maduranthagam,
Kancheepuram District.
4. The Superintendent, Central prison, Puzhal, Chennai
5. The Inspector of Police,
G5, Achirapakkam Police Station,
Kancheepuram District.
6. The Public Prosecutor, High Court of Madras.

Crl.R.C.No.688 of 2019

ssd co
A.SK(18.08.2021)