



BAIL SLIP

The Appellant/Accused namely Muthu @ Thakkali Muthu, S/O, Murugesan was released on bail by the order of this Court dated 04.02.2020 made in CrI.MP.No.18293 of 2019 in CrI.RC.No.1255 of 2019.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.08.2021

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

CRL.R.C.No.1255 of 2019

Muthu @ Thakkali Muthu
S/o, Murugesan

... Petitioner

Versus

The State by

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

2. The Inspector of Police,
M-3, Puzhal Police Station,
Chennai.

... Respondents

PRAYER: Criminal Revision Petition filed under Section 397 & 401 of the Code of Criminal Procedure, to set aside the order passed by the 1st respondent Executive Magistrate cum Deputy Commissioner, Madhavaram Chennai, judgment made in M.P.No.15 of 2019 in R.C.No.372/SEC.PRO/DCP MVM/2019 dated 27.09.2019.

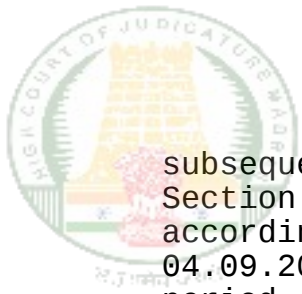
For Petitioner : Mr.A.Vijaya Sankar

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

ORDER

This Criminal Revision Petition has been filed to set aside the order passed by the 1st respondent/Executive Magistrate cum Deputy Commissioner, Madhavaram Chennai in M.P.No.15 of 2019 in R.C.No.372/SEC.PRO/DCP MVM/2019 dated 27.09.2019.

2. The case of the petitioner is that originally the petitioner had involved in case in Crime No.134 of 2016 for the offence under Section 341, 334, 294(b), 506(ii) IPC and

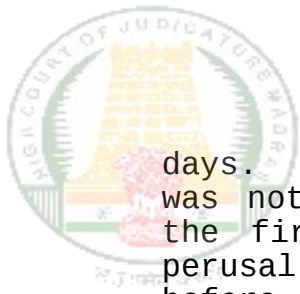


subsequently, the petitioner was asked to execute a bond under Section 110 Cr.P.C, for maintaining good behavior and accordingly, he executed the bond under Section 110 Cr.P.C, on 04.09.2019 before the 1st respondent. However, during the bond period, the petitioner is alleged to have involved in another case in Crime No.469 of 2019 for the offences punishable under Sections 294(b), 323, 353, 506(ii) 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 after completing the formalities, examined the witnesses and passed an order on 03.10.2019, 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. 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 his case and he 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 case in Crime No.134 of 2016 for the offence under Section 341, 334, 294(b), 506(ii) IPC. Subsequently, bond was executed. During the bond period, the petitioner was involved in the ground case. 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 336 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.134 of 2016 for the offence under Section 341, 334, 294(b), 506(ii) IPC. Subsequently, bond was executed. During the bond period, the petitioner was involved in the ground case. Then, he was arrested and remanded to the judicial custody. When he was in judicial custody for the ground case, summon was issued and he 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 336



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. He has to establish all his defence during trial. Therefore, there is no perversity in the order passed and the revision is liable to be dismissed. Accordingly, the Criminal Revision Petition is dismissed.

Sd/-
Assistant Registrar (CS-CCC)

// True Copy //

Sub Assistant Registrar

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To

1. The Executive Magistrate cum Deputy Commissioner,
Madhavaram Police Station, Chennai.
2. The Inspector of Police,
M-3, Puzhal Police Station, Chennai.
3. The Public Prosecutor,
High Court, Madras.
4. The Chief Judicial Magistrate,
Thiruvallur. (For Information)
5. The Superintendent,
Central Prison, Puzhal, Chennai-66.
6. The Inspector of Police,
Law and Order Department,
M-3, Puzhal Police Station, Chennai -66.
7. The Deputy Commissioner of Police,
North Zone, Tondiarpet, Chennai-21.
8. The Commissioner of Police,
Greater Chennai, Veppery, Chennai 21.



9. The District Munsif cum Judicial Magistrate,
Madhavaram, Chennai 51.

10. The Principal District Sessions Judge,
Thiruvallur District.

Copy to

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

CRL.R.C.No.1255 of 2019

JP II(CO)

B.VC (01/10/2021)