



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2021

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

CRL.R.C.No.1257 of 2019

M/s.PCA Automobiles India Pvt Ltd.,
Rep. By Mr. Raj Kalyanarajan,
Senior Director (Manufacturing),
Having Office at World Trade Centre,
1st Floor, Holiday Inn Campus,
No.110, Rajiv Gandhi Salai,
Old Mahabalipuram Road,
Thiruvannamiyur,
Chennai - 600 041.

... Petitioner

Versus

1. Bala @ Bala Yogi,
S/o, Vadivel
2. The State represented by
The Inspector of Police,
B2, Taluk Police Station,
Tiruvallur.

... Respondents

PRAYER: Criminal Revision Petition filed under Sections 397 & 401 of the Code of Criminal Procedure, to call for the records in Crime No.272 of 2019 on the file of the B2, Taluk Police Station, Tiruvallur and set aside the order of rejection to remand the 1st respondent/1st Accused dated 21.09.2019 passed by the Judicial Magistrate-1, Tiruvallur, by allowing the Criminal Revision Petition.

For Petitioner : M/s.AAV Partners

For R1 : Mr.S.Silambarasan

For R2 : Mr. Mr. S.Sugendran
Government Advocate, (Criminal Side)



ORDER

This Criminal Revision Petition has been filed to call for the records in Crime No.272 of 2019 on the file of the B2, Taluk Police Station, Tiruvallur and set aside the order of rejection dated 21.09.2019 to remand the 1st respondent/1st Accused passed by the Judicial Magistrate-1, Tiruvallur.

2. The learned counsel for the petitioner would submit that the 1st accused is a habitual offender and he was involved in many cases. The learned Magistrate failed to look into the materials deeply and simply declined to remand the accused, though the offences are bailable in nature.

3. However, the learned counsel for the first respondent would submit that as per the directions of this Court, he has given an undertaking and he was not involved in any subsequent case.

4. The learned Government Advocate(Criminal Side) appearing for the official respondent would submit that the petitioner is not cooperating for investigation. However, he completed the investigation and he is awaiting for opinion of the prosecutor to file the charge sheet before the concerned Magistrate.

5. Considering the submissions advanced on either side and having perused the impugned order passed by the Magistrate, it is found that the offences are only bailable in nature and no immediate threat is also found that it is not necessary to arrest the accused and put him into the custody and further the first accused has also given the undertaking that he would not be involved in any illegal activities. Therefore there is no perversity in the order passed by the Magistrate and the revision is liable to be dismissed and accordingly the Revision Petition is dismissed. After filing the charge sheet the petitioner is at liberty to work out his remedy in the manner known to law.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

mfa



To

1. The Judicial Magistrate No.I,
Tiruvallur,
2. The Inspector of Police,
B2, Taluk Police Station,
Tiruvallur.
3. The Public Prosecutor,
High Court,
Madras.

+1cc to Mr.P.Prince Premkumar, Advocate, S.R.No.39388

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VSN-II (CO)
CT/09/09/2021