



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 21.01.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.21 of 2021

Selvaguru

.. Petitioner

Vs.

State through
The Inspector of Police,
All Women Police Station,
Sankarankovil
Tenkasi District.
Tenkasi District.

.. Respondent

Prayer : This criminal revision case is filed under Section 397 and Section 401 of Criminal Procedure Code, to call for the records relating to the order passed by the Additional District Munsif cum Judicial Magistrate, Sivagiri, dated 21.12.2020 in Cr.M.P.No.2314 of 2020 and to set aside the same, consequently, to restore the order, dated 05.10.2020 passed in Cr.M.P.No.2684 of 2020 on the file of the Principal Sessions Court, Tirunelveli.

For Petitioner : Mr.V.Sasi Kumar

For Respondent : Mrs.S.Bharathi
Government Advocate

ORDER

This Revision has been filed to call for the records relating to the order passed by the Additional District Munsif cum Judicial Magistrate, Sivagiri, dated 21.12.2020 in Cr.M.P.No.2314 of 2020 and to set aside the same, consequently, to restore the order, dated 05.10.2020 passed in Cr.M.P.No.2684 of 2020 on the file of the Principal Sessions Court, Tirunelveli.

2.A case was registered against the petitioner in Crime No.2 of 2020 by the respondent police, under Sections 376, 417, 294(b) 506(ii) I.P.C. and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. The petitioner approached the Principal Sessions Judge, Tirunelveli in Crl.M.P.No.2684 of 2020 and he obtained bail order on 05.10.2020. For non-compliance of the bail condition, the respondent police approached the Additional District Munsif cum Judicial Magistrate, Sivagiri and cancelled the bail order in Cr.M.P.No.2314 of 2020, dated



21.12.2020. Against the cancellation of bail, the petitioner has approached this Court by way of Revision.

3.On the side of the petitioner, it is stated that the petitioner could not comply with the condition, since the police prevented the petitioner from putting his signature, on 19.11.2020 and the petitioner is now ready to comply with the condition and ready to sign before the trial Court and prayed the impugned order to be set aside.

4.On the side of the respondent, it is stated that the petitioner failed to comply with the condition of the Principal Sessions Judge, Tirunelveli. He surrendered before the Court on 18.11.2020, but, failed to appear before the police, as per the orders of the Sessions Court from 19.11.2020 onwards, he has not obliged the order and prayed the petition to be dismissed.

5. Admittedly the petitioner has not complied with the condition imposed by the Principal Sessions Court. The allegation of the petitioner is that the police did not permit him to sign and insist him to bring the complainant, which is unbelievable. There is no possibility for the accused to bring the complainant before the police station. Even if the statement of the petitioner is true, the petitioner has to approach the proper Forum for modification of the condition. From 19.11.2020 till 21.01.2021, the petitioner has not taken any steps for modifying the condition. It is pertinent to note that though the bail order was cancelled on 21.12.2020, till now (21.01.2021), the respondent police did not take any steps for arresting the petitioner.

6. In the above circumstances, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Ls

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The Principal Sessions Court,
Tirunelveli.

2.The Additional District Munsif cum Judicial Magistrate,
Sivagiri,

3.The Inspector of Police,
All Women Police Station,
Sankarankovil, Tenkasi District.
Tenkasi District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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