



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 26.02.2021

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**THE HONOURABLE MRS. JUSTICE R. THARANI**

Crl. R.C.(MD)No.80 of 2021

Thiru. Vijay

.. Petitioner

Vs.

- 1.The Sub Divisional Magistrate/  
Revenue Divisional Officer,  
Revenue Divisional Office,  
Thanjavur.
- 2.The Deputy Superintendent Of Police,  
Thanjavur Sub Division,  
Thanjavur District.
- 3.The Superintendent of Prison /Jailor,  
Central Prison, Trichy.
- 4.The Inspector of Police,  
Town East Police Station,  
Thanjavur, Thanjavur District.

.. Respondents

Prayer : This criminal revision case is filed under Sections 397 and 401 of Cr.P.C., to call for the records and set aside the order dated 26.11.2020 passed by the first respondent in M.C.No.143 of 2020.

For Petitioner

: Mr.C.Senthil Murugan

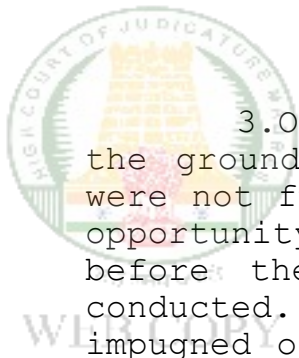
For Respondents

: Mr.Bharathi Kannan  
Government Advocate

**ORDER**

This Criminal Revision Case has been filed to set aside the order dated 26.11.2020 passed by the first respondent in M.C.No.143 of 2020.

2. On the report of the fourth respondent, the first respondent initiated proceedings under Section 107 Cr.P.C. in M.C.No.143 of 2020. The petitioner executed a bond before the first respondent, on 07.09.2020, to maintain good behaviour for a period of one year. Subsequently, the petitioner was arrested by the fourth respondent for an offence in Crime No.1438 of 2020 under Sections 147, 148, 448, 294(b), 324, 342, 506(ii) and 307 I.P.C. On the recommendation of the second respondent, the first respondent cancelled the bond and passed the impugned order, dated 26.11.2020. Against the same, the petitioner preferred this Revision.



3. On the side of the revision petitioner, it is stated that the ground case itself is a false case. Copies of the documents were not furnished to the petitioner. The petitioner was not given opportunity to contest the case. No preliminary order was passed, before the passing of the impugned order and no enquiry was conducted. The pendency of previous cases were not stated in the impugned order and the petitioner was in custody for the past four months and prayed the impugned order to be set aside.

4. On the side of the respondents, it is stated that there is a clear violation of the bond executed by the petitioner under section 110 Cr.P.C. The petitioner involved in a subsequent case in Crime No.1438 of 2020 and the petitioner is having a previous case in Crime No.857 of 2020 under Section 399 I.P.C. The petitioner appeared for enquiry on 21.11.2020 and gave a statement. Only after detailed enquiry, the impugned order was passed by the first respondent and prayed the petition to be dismissed.

5. It is seen that on 21.11.2020, copies of the documents were furnished to the petitioner. The Revenue Divisional Officer has made a mentioning that "thereafter the respondent appeared in person and filed his objection". When the petitioner appeared before the first respondent is not specifically stated in the impugned order. The averment in the objection statement was not at all discussed by the first respondent. There is no mentioning as to the enquiry conducted by the first respondent. Only based on the recommendation of the second respondent, the first respondent was fully satisfied and passed this order. No witness was examined. No opportunity was given to the petitioner. In short, the first respondent failed to comply the procedures to be followed under Section 122 (1) Cr.P.C.

6. In the above circumstances, this Court is inclined to set aside the order passed by the first respondent. Hence, the impugned order, dated 26.11.2020, passed by the first respondent in M.C.No.143 of 2020, is hereby set aside and this Criminal Revision Case is allowed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 Sub Divisional Magistrate/  
Revenue Divisional Officer,  
Thanjavur.
- 2.The Deputy Superintendent Of Police,  
Thanjavur Sub Division, Thanjavur District.
- 3.The Superintendent of Prison /Jailor,  
Central Prison, Trichy.
- 4.The Inspector of Police,  
Town East Police Station,  
Thanjavur, Thanjavur District.
- 5.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

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26.02.2021

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