



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATE : 30.03.2021
CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

CrI. R.C.(MD)No.245 of 2021
and
CrI.M.P.(MD)No.2500 of 2021

Ashok @ Muneeswaran .. Petitioner/Detenuue

Vs.

- 1.The Sub Divisional Magistrate and
the Revenue Divisional Officer,
Pudukottai Revenue Division,
Pudukottai, Pudukottai District.
- 2.The Inspector of Police,
Ganesh Nagar Police Station,
Ganesh Nagar, Pudukottai,
Pudukottai District.
- 3.The Superintendent of Prison,
Central Prison, Trichy,
Trichy District. .. Respondents /Complainants

Prayer : This criminal revision case is filed under Sections 397 and 401 of Cr.P.C., to call for the records pertaining to the order dated 04.02.2021 passed by the 1st Respondent the Sub Divisional Magistrate / Revenue Divisional Officer, Pudukottai Revenue Division, Pudukottai District in Na. Ka. A3/582/2021 and to set aside the same.

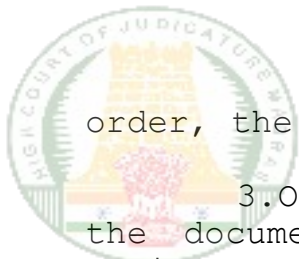
For Petitioner : Mr.N.Pragalathan

For Respondents : Mr.S.Chandrasekar
Additional Public Prosecutor

ORDER

This Criminal Revision Case has been filed to set aside the order dated 04.02.2021 passed by the first Respondent, in Na. Ka. A3/582/2021.

2.The petitioner executed a bond in M.C.No.14 of 2021, on 07.01.2021, to maintain peace and good behavior for a period of one year. Subsequently, the petitioner involved in another offence in Crime No.111 of 2021 and he was arrested on 26.01.2021 and on the report of the second respondent, the first respondent passed the impugned order, under Section 122(1)(b) of Cr.P.C.. Against that

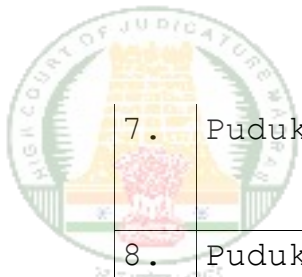


order, the petitioner preferred this Revision.

3. On the side of the petitioner, it is stated that copies of the documents were not furnished to the petitioner. No legal assistance was given to the petitioner. The petitioner was not given opportunity to cross examine the witnesses and prayed the impugned order to be set aside.

4. On the side of the respondents, it is stated that on the report of the second respondent, the first respondent initiated proceedings in M.C.No.14 of 2021 and the petitioner executed a bond on 07.01.2021, to maintain peace and good behavior. Subsequently, on 25.01.2021, the petitioner involved in another offence and he was arrested on 26.01.2021 in Crime No.111 of 2021 under Section 147, 148, 294(b), 323, 324, 307, 506(ii) and 307 of I.P.C and Sections 7 25(1-A) of Arms Act. On the report of the second respondent, the first respondent conducted enquiry. The petitioner submitted his explanations. After giving sufficient opportunity to the petitioner, the impugned order was passed by the first respondent. It is further stated that the petitioner is having eight previous case, including a murder case, it is stated as follows:-

SI. No.	Name of the Police Station	Crime No. and Sections	Present stage of the case
1.	Ganesh Nagar	Cr.No.313/2014 U/s. 109 Cr.P.C	Disposed MC. 268/14, dated 27.10.2014
2.	Ganesh Nagar	Cr.No.269/2016 U/s. 109 Cr.P.C	Disposed MC. 382/16, dated 20.07.2016
3.	Ganesh Nagar	Cr.No.197/2010 U/s. 294(b), 323 506(i) IPC	Convicted STC. 256/2010 dated 28.04.2010
4.	Ganesh Nagar	Cr.No.18/2019 U/s. 294(b), 323 341,506(ii) IPC	Charged - 07.08.2019 NTF
5.	Ganesh Nagar	Cr.No.67/2018 U/s. 294(b), 323 324,506(ii) IPC, 4 TNPHW Act & 326 IPC	PT, C.C.No.43/2019
6.	Pudukottai Town	U/s.147, 148, 294 (b), 341, 302 120 (b), 149 IPC	PT, PRC.No.32/2017



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7.	Pudukottai Town	Cr.No.76/2018 U/s.392,397, 506 (ii) IPC	PT. PRC.No.32/2017
8.	Pudukottai Town	Cr.No.101/2019 U/s.392, 397 506 (ii) IPC	PT

5.It is seen that the petitioner is having eight previous cases. But, the impugned order does not reveal that the documents were furnished to the petitioner. The petitioner was not given opportunity to cross examine the witnesses. The impugned order does not contain the particulars of witnesses examined by the first respondent. The particulars given by the petitioner in the explanation were not mentioned in the order. Satisfaction of the first respondent was not recorded.

6.In the above circumstances, this Court is inclined to set aside the order passed by the first respondent. Hence, the impugned order dated 04.02.2021, in Na. Ka. A3/582/2021, passed by the first respondent is hereby set aside and this Criminal Revision Case is allowed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AS)

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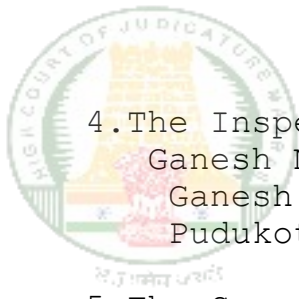
Sub Assistant Registrar(CS)

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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 and
the Revenue Divisional Officer,
Pudukottai Revenue Division,
Pudukottai, Pudukottai District.
- 2.The Superintendent of Police,
Pudukkottai.
- 3.The Deputy Superintendent of Police,
Pudukkottai.



4.The Inspector of Police,
Ganesh Nagar Police Station,
Ganesh Nagar, Pudukottai,
Pudukottai District.

5.The Superintendent of Prison,
Central Prison, Trichy, Trichy District.

6.The Superintendent,
Boarstal School, Pudukottai.

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

Crl. R.C. (MD) No.245 of 2021
30.03.2021

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