



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 12.07.2021

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THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**

Crl.RC(MD)No.400 of 2020

N.Esakki Raja @ Silkraja : Revision Petitioner

Vs.

State rep. by

1.The Inspector of Police,
Tirunelveli Junction Police Station,
Tirunelveli City.

2.The Executive Magistrate-

Cum-Deputy Commissioner of Police,
(Law and Order), Tirunelveli City.

: Respondents

Prayer: Criminal Revision filed under section 397 r/w 401 of the Code of the Criminal Procedure, to call for the records in EMC No.29/Sec/DC.L&O/Tin-C/2020, Dated 10.06.2020 on the file of the Executive Magistrate-cum-Deputy Commissioner of Police, Law and Order, Tirunelveli City and revise the same.

For Revision Petitioner : Mr.N.Mohideen Basha

For Respondents

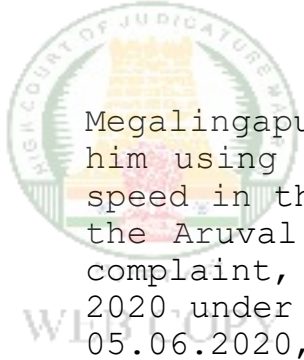
: Mr.P.Kottaichamy

Counsel for State Government
(Criminal side)

O R D E R

This Criminal Revision is filed against the order passed in EMC No.29/Sec/DC.L&O/Tin-C/2020, Dated 10.06.2020 by the Executive Magistrate-cum-Deputy Commissioner of Police, Law and Order, Tirunelveli City.

2.The 2nd respondent initiated 107 Cr.P.C proceedings against the petitioner, based on the complaint given by the 1st respondent in L.I.R No.02/2020 alleging that a case under section 147, 294(b), 323, 506(1) IPC and under section 3 of TNPPDL, 1992 is pending in Crime No.285 of 2018 and there is an apprehension that the petitioner is likely to commit public breach and accordingly, passed preliminary order under section 111 Cr.P.C, in EMC No.29 of 2020, dated 17.03.2020 calling for why not the petitioner execute a personal bond for Rs.50,000/- and Rs.5,000/- for two sureties each for a period of 1 year and that on 24.03.2020, conducted enquiry and ordered to execute the bond for Rs.50,000/- for a period of 1 year and on 04.06.2020, when one Srinivasan was passing through



Megalingapuram in his two wheeler, the petitioner waylaid and abused him using filthy language and asked him, why he is riding in high speed in the Street and also slapped him in his face and also picked the Aruval and threatened him with dire consequences. Based on the complaint, the 1st respondent registered a case in Crime No.556 of 2020 under section 294(b), 323, 341, 506(2) IPC and consequently, on 05.06.2020, the petitioner was arrested and remanded to judicial custody and pending this bond, the petitioner is said to have committed the offence and hence, the 2nd respondent had cancelled the bond executed by the petitioner and passed the final order to detain the petitioner for a period of 1 year till the expire of the said bond.

3. Heard the learned counsel appearing on either side and perused the materials available on record.

4. The main contention raised on the side of the petitioner/accused is that without giving reasonable opportunity to the petitioner, the 1st respondent passed the impugned order and it will not bind upon the petitioner and prays that the Criminal Revision has to be allowed.

5. But on the other hand, the learned Standing counsel appearing for the respondents/State submitted that only after giving reasonable opportunity to the petitioner/accused, the 2nd respondent passed the impugned order and hence, the order is valid and it is not liable to be set aside. Further, the learned counsel appearing for the respondents/State submitted that there are several previous cases, pending as against the petitioner/accused and hence, it is not necessary to set aside the impugned order passed by the 2nd respondent and prays for dismissal of the Criminal Revision.

6. It is seen from the records that on the side of the respondents, it is stated that the petitioner/accused is a History Sheeted Rowdy and he breached the conditions and committed the offence punishable under sections 294(b), 323, 341 and 506(2) IPC. Further, the 2nd respondent received a report from the 1st respondent to the effect that after executing the bond, the petitioner involved in another criminal case. To prove that the accused involved in the case in Crime No.556 of 2020, the copy of the FIR was produced and only after receiving the report from the 1st respondent, the 2nd respondent conducted enquiry and found that the petitioner involved in a crime, after executing the bond and correctly cancelled the bond, executed by the accused and directed the petitioner to detain in prison for a period of one year till the expiry of the bond. Further, it is to be noted that the period of one year expires. Hence, the petition has become infructuous. In this case, the 2nd respondent only after due enquiry has passed the final order and now, the impugned order passed by the 2nd respondent has become infructuous. For the above reasons, it is held that the criminal revision is liable to be dismissed.



7. Accordingly, this criminal revision is dismissed.

Sd/-

Assistant Registrar (CSII)

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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 Inspector of Police,
Tirunelveli Junction Police Station,
Tirunelveli City.
2. The Executive Magistrate-
Cum-Deputy Commissioner of Police,
(Law and Order), Tirunelveli City.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.RC (MD) No.400 of 2020
12.07.2021

DKS (CO)

KB(19.07.2021) 3P 4C