



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated:27.07.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.RC(MD)No.399 of 2021

and

Crl.MP(MD)No.4090 of 2021

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Sakthiraja : Revision Petitioner/Respondent/Respondent

Vs.

1.The Executive Magistrate,
Deputy Commissioner of Police,
Law and Order, Madurai City,
Madurai.

2.The Inspector of Police,
W1 Thirunagar Police Station,
Madurai City. : Respondents/Respondent/Complainant

Prayer: Criminal Revision filed under section 397 r/w 401 of the Code of the Criminal Procedure, against the order passed by the 1st respondent in MC No.2060/Ne.Se.Na & K.KA.Thu.A/Ma.Maa/2020, dated 22.04.2021.

For Petitioner : Mr.S.Manoharan
For Respondents : Mr.P.Kottaisamy
Counsel for State Government
(Criminal side)

O R D E R

This Criminal Revision is filed against the order passed by the 1st respondent in MC No.2060/Ne.Se.Na & K.KA.Thu.A/Ma.Maa/2020, dated 22.04.2021.

2.It is seen from the records that there is an allegation against the petitioner that he was indulging several criminal activities and in this regard, the 1st respondent passed an order on 11.12.2020 against the petitioner under section 110 Cr.P.C and consequent to that, the petitioner has executed a bond to maintain good behaviour for a period one year. In the meanwhile, a criminal case in Crime No.119 of 2021 was registered by the 2nd respondent police for the offence under sections 294(b), 341, 307 and 109 IPC. The petitioner was summoned to appear for enquiry. The petitioner appeared before the 1st respondent on 11.12.2020 and gave his explanation denying the allegation. Subsequently, the 1st respondent passed the impugned order, dated 22.04.2021. Aggrieved over the same, the petitioner is before this court.



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

4. Even though various grounds were raised in the grounds of appeal, it is mainly contended by the learned counsel for the petitioner/accused that before passing the impugned order, no reasonable opportunity was given to the petitioner and prays that the impugned order passed by the 1st respondent is liable to be set aside.

5. On the other hand, on the side of the respondents, it is argued that the 1st respondent passed the order only after giving reasonable opportunity to the petitioner and prays for dismissal of the criminal revision.

6. In this case, already the 1st respondent issued summons to the accused to execute a bond of Rs.1,00,000/- under section 111 of the Criminal Procedure Code and accordingly, the accused executed the bond for Rs.1,00,000/- and in case any breach of conditions during that period of bond, the accused should be imprisoned for the remaining period under section 122(1)(b) of Cr.P.C. It was brought to the notice of this court that the accused committed breach of bond by indulging in a criminal case in Kenikarai Police Station Crime No.119 of 2021 under sections 341, 307 and 109 IPC and he has been arrested and remanded to judicial custody.

7. On perusal of the order passed by the 1st respondent, dated 22.04.2021, it is stated that summons were sent to the accused and the accused was enquired and during the enquiry, the statement of the accused was recorded. Further, the 1st respondent stated in the impugned order passed that the accused has the knowledge of breach of bond and when, the accused was questioned, he replied that he has not committed the offence. Further, the 1st respondent in his order, dated 22.04.2021 stated that when the accused was produced before the concerned Magistrate, he has not stated any complaint against the registration of the criminal case in Crime No.119 of 2021 and on the basis of the above statement of the accused and the records of Crime No.119 of 2021, the 1st respondent came to the conclusion that the accused breached the bond already executed. On careful perusal of the impugned order passed by the 1st respondent, it reveals that only after giving reasonable opportunity to the accused, the 1st respondent passed the impugned order, on 22.04.2021.

8. Keeping in view of the above facts, this court is of the considered view that the order passed by the 1st respondent does not suffer from any illegality and accordingly, it is confirmed.



9. In the result, this criminal revision fails and the same is **dismissed**. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS I)

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// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 Executive Magistrate,
Deputy Commissioner of Police,
Law and Order, Madurai City,
Madurai.
2. The Inspector of Police,
W1 Thirunagar Police Station,
Madurai City.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.MANOхаран, Advocate (SR-24109[F] dated 28/07/2021)

Copy to:

The Section Officer,
Criminal Section (Records)
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

Crl.RC(MD)No.399 of 2021
27.07.2021

_RS (24.08.2021) 3P 7C