



WEB COPY

Crl.RC(MD)No.697 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 23.07.2021

CORAM

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

Crl.RC(MD)No.697 of 2020

and

Crl.M.P(MD)No.7335 of 2020

1.Hyder Ali
2.Sahul
3.Abbas

: Petitioners/'A' Parties

Vs.

1.The Inspector of Police,
Cumbum North Police,
LIR No.114 & 115 of 2020

2.Mohamed Saleem
3.Nosathi Ali
4.Rajik
5.Raja Mohamed
6.John Peter
7.Jeyakumar

: Respondents

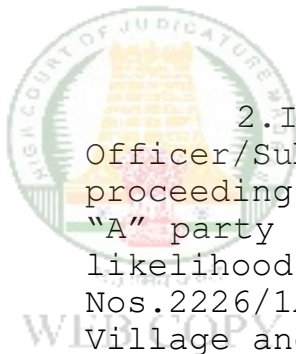
*(R2 to R7 are impleaded as per order of this Court,
dated 01.02.2021 in Crl.M.P(MD)No.138 of 2021
in Crl.R.C.(MD)No.697 of 2021)*

Prayer: Criminal Revision filed under section 397 (1) & 401 of the Code of the Criminal Procedure, against the order, dated 13.08.2020 in M.C. No.35 of 2020 on the file of the Revenue Divisional Officer/Sub Divisional Magistrate, Uthamapalayam, set aside the same insofar as the petitioners who are 'A' parties alone concerned.

For Petitioners	: Mr.D.Malaichamy
For R1	: Mr.P.Kottaisamy
	Counsel for State Government (Criminal side)
For R2 - R7	: No Appearance

O R D E R

This Criminal Revision is filed by the petitioners against the order, dated 13.08.2021 made in M.C.No.35 of 2020 on the file of the Revenue Divisional Officer/Sub Divisional Magistrate, Uthamapalayam.



2.It reveals from the records that the Revenue Divisional Officer/Sub Divisional Magistrate, Uthamapalayam, initiated proceedings under section 107 Cr.P.C, arraying the petitioners as "A" party and rival group as "B" party on the premise that there is likelihood of law and order problem in respect of land in Survey Nos.2226/1A2B and 2226/2 measuring 01.16.50 Hectare, in Cumbum Village and subsequently, issued summon under section 113 of Cr.P.C, directing both the parties to appear on 13.08.2020 for conducting enquiry. On 13.08.2020, both parties have appeared and agreed to keep peace for six months and on that basis, the impugned bond under section 117 of Cr.P.C has been executed and passed. Challenging the same, the petitioners are before this court.

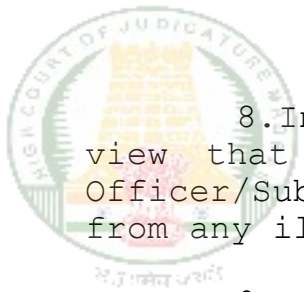
3.Heard the learned counsel appearing on either side and perused the materials available on record.

4.The main contention of the petitioners/'A' party is that before passing the impugned order under Section 117 Cr.P.C, no reasonable opportunity was given to the petitioners and the execution of the impugned bond for keeping peace was in the absence of proper inquiry and it is an abuse of process of law and that already the matter is seized by the Civil Court and prays that the Criminal Revision has to be allowed.

5.But on the side of the first respondent, it is argued that only after giving reasonable opportunity to the petitioners, the the Revenue Divisional Officer/Sub Divisional Magistrate, Uthamapalayam, passed the impugned order under Section 117 Cr.P.C. and that after agreement, the petitioners and the rival party themselves, executed the impugned bond and prays that the Criminal Revision has to be dismissed.

6.It is seen from the records, on 27.07.2020, the Revenue Divisional Officer/Sub Divisional Magistrate, Uthamapalayam, issued summons to the petitioners/'A' Party and the rival 'B' party, to appear before them on 13.08.2020 and on that date, the petitioners/'A' party and others as 'B' party appeared. After appearance of both parties, the Revenue Divisional Officer/Sub Divisional Magistrate, Uthamapalayam, conducted enquiry and in the enquiry, the petitioners as well as the rival party agreed to keep peace and only on that basis, the Revenue Divisional Officer/Sub Divisional Officer passed the impugned order under Section 117 Cr.P.C.

7.On perusal of impugned order passed, on 13.08.2020, it is stated that in the event of the petitioners breach the conditions, they will be put to judicial custody for a period of six months, as per the Section 122(1)(b) Cr.P.C. Further, it is to be seen that the validity of the impugned bond is only for six months and since, the six months period is over, the matter has become infructuous.



8.In view of the above facts, this Court is of the considered view that the impugned order passed by the Revenue Divisional Officer/Sub Divisional Magistrate, Uthamapalayam 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-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsd

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 Revenue Divisional Officer/Sub Divisional Magistrate,
Uthamapalayam.

2.The Inspector of Police,
Cumbum North Police,
LIR No.114 & 115 of 2020.

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

+1 CC to M/s.D.MALAICHAMY, Advocate (SR-23812[F] dated 26/07/2021)

Crl.RC(MD)No.697 of 2020

and

Crl.M.P(MD)No.7335 of 2020

23.07.2021

PS (CO)

KB(24.09.2021) 3P 5C