



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2021

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE R. THARANI

CRL R.C. (MD)No.621 of 2021
and
CRL M.P. (MD)No.6787 of 2021

Muthupandi .. Petitioner / Accused
Vs.
1.The Sub-Divisional Magistrate Cum
The Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District. .. 1st Respondent/ Complainant
2.The State represented by,
The Inspector of Police,
Nallatinputhur Police Station,
Thoothukudi District.
(Crime NO : 322/2021) .. 2nd Respondent/ Complainant

Prayer : This Revision Case is filed under Sections 397 r/w. Section 401 of Cr.P.C., to call for the records and to set aside the detention order passed by the learned Sub-Divisional Magistrate Cum Revenue Divisional Officer, Kovilpatti, Thoothukudi District in Na.Ka.A1/4838/2021 dated 23.07.2021 sentencing to undergo imprisonment till the bond period I.e., 15.02.2022.

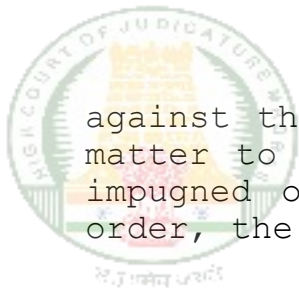
For Petitioner : Mr.S.Muthumalairaja

For Respondents : Mr.K.Sanjay Ghandhi
Government Advocate

ORDER

This Criminal Revision has been filed to set aside the detention order passed by the learned Sub-Divisional Magistrate Cum Revenue Divisional Officer, Kovilpatti, Thoothukudi District, in Na.Ka.A1/4838/2021 dated 23.07.2021

2. The second respondent referred the case in LR.No.5/2021 against the petitioner under Section 110 of Cr.P.C before the first respondent. On 05.07.2021, the petitioner executed a bond, under Section 110 of Cr.P.C. Subsequently, on 14.07.2021, a case in Crime No. 322 of 2021 under Section 294b, 506(ii) of IPC was registered



against the petitioner. Again, the second respondent referred the matter to the first respondent and the first respondent passed the impugned order, under Section 121(1)(b) of Cr.P.C. Against the order, the petitioner has preferred this Criminal Revision Petition.

3. On the side of the revision petitioner, it is stated that the first respondent is not having the power to proceed under Section 121(1)(b) of Cr.P.C. Copies were not furnished to the petitioner. No opportunity was given to the petitioner, no witness was examined and prayed the order to be set aside.

4. On the side of the prosecution, it is stated that the petitioner is having four previous cases, including a murder case. Out of the four cases, one case is pending trial and the two cases are pending for taking case for filing and prayed the petition to be dismissed.

5. It is seen that no enquiry was ever conducted by the first respondent, whether copies were furnished to the petitioner was not stated in the impugned order. No witness was examined, No opportunity was given to the petitioner to defend his case and hence, the impugned order is set aside. This Criminal Revision Petitioner is directed to be released forthwith, unless his presence is required in any other case. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mga/csm

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 Cum
The Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District.

2.The Inspector of Police,
Nallatinputhur Police Station,
Thoothukudi District.

<https://hcservices.hcj.mil/hcservices/>



3.The Superintendent of Central Prison,
Central Prison, Palayamkottai.

4.The Superintendent of District Prison,
District Prison, Perurani.

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

Copy to:
The District Collector,
Thoothukudi District.

CRL R.C.(MD)No.621 of 2021
and
CRL M.P.(MD)No.6787 of 2021
15.11.2021

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