



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 02.02.2021

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C. (MD)No.674 of 2020

and

Crl.MP.6749 of 2020 & 6321 of 2020

Manikandan @ Manikanda Prabhu

.. Petitioner/Detenuue

Vs.

1.The Executive Magistrate / the Tahsildar,
Agasteeswaram Taluk,
Nagercoil, Kanniyakumari District.

2.The Inspector of Police,
Suchindram Police Station,
Suchindram, Kanniyakumari District.

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

.. Respondents /Complainant

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 06.08.2020 passed by the first respondent / the Executive Magistrate / Tahsildar, Agasteeswaram Taluk, Nagercoil, Kanniyakumari District in C2/4074/2020 and to set aside the same as illegal.

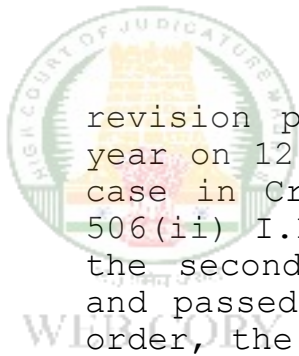
For Petitioner : Mr.N.Pragalathan

For Respondents : Mr.S.Chandrasekar
Additional Public Prosecutor

ORDER

This Criminal Revision Case has been filed to set aside the order passed by the first respondent, in C2/4074/2020, dated 06.08.2020.

2. On the report of the second respondent, the first respondent initiated proceedings in L.I.R.No.02/2020, under Section 110 Cr.P.C. in M.C.No.613 of 2020, has obtained a bond from the



revision petitioner to maintain good conduct for a period of one year on 12.03.2020. Subsequently, the petitioner involved in another case in Crime No.651 of 2020, under Sections 341, 294(b), 392 and 506(ii) I.P.C. and he was arrested on 03.08.2020. On the report of the second respondent, the first respondent initiated proceedings and passed the impugned order on 06.08.2020. Against the impugned order, the petitioner preferred this Criminal Revision.

3.On the side of the revision petitioner, it is stated that the bond was obtained from the petitioner on 12.03.2020. No enquiry was ever conducted before passing the impugned order. No notice was served to the petitioner. No documents were furnished to the petitioner. No opportunity was given to the petitioner. The petitioner is in custody for the past 5 ½ months and only 45 days left for completion of the detention period and prayed the impugned order to be set aside.

4.On the side of the respondents, it is stated that the revision petitioner is a habitual offender, having 14 previous cases and some of the cases are pending trial. The petitioner is a history sheeted offender and H.S.No.354 of 2014 was opened against him. Only after considering the pendency of the previous cases, including two murder cases, the impugned order was passed by the first respondent and prayed the petition to be dismissed.

5.A perusal of the impugned order reveals that no show cause notice was issued to the petitioner. No enquiry was conducted. No opportunity was ever given to the petitioner. The first respondent failed to record his satisfaction. Only because, a number of cases are pending against the petitioner, the impugned order was passed by the first respondent. It is seen that the petitioner is in custody for the 5 ½ months and the period of detention will be over shortly.

6.In the above circumstances, this Court is inclined to set aside the order passed by the first respondent. Hence, the impugned order dated 06.08.2020, in C2/4074/2020, 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

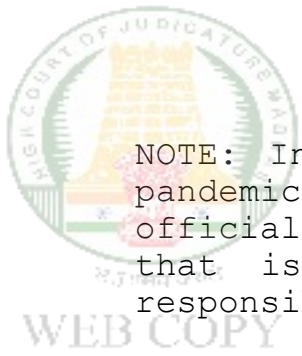
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/ /2021

Sub Assistant Registrar(CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



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 / the Tahsildar,
Agasteeswaram Taluk,
Nagercoil, Kanniyakumari District.
- 2.The Inspector of Police,
Suchindram Police Station,
Suchindram, Kanniyakumari District.
- 3.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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TP (CO)

NR (03/02/2021) 3P : 5C