



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 09.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.706 of 2021

and

Crl.M.P.(MD)Nos.7872 and 7873 of 2021

Babu

.. Revision Petitioner/Respondent

Vs.

1.The First Class Executive Magistrate and
Revenue Divisional Officer,
O/o. The revenue Divisional Officer,
Karur District.

2.The Inspector of Police,
Pasupathipalayam Police Station,
Karur District.

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

.. Respondents

Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the records pertaining to the impugned order in Na.Ka.A1/2412/2021 dated 23.07.2021 passed by the respondent no.1 and to set aside the same as illegal.

For Petitioner

: Mr.S.M.A.Jinnah

For Respondents

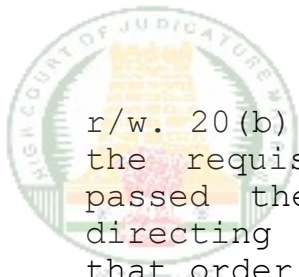
: Mr.R.M.Anbu Nithi

Additional Public Prosecutor

ORDER

This petition has been filed to set aside the proceedings passed in Na.Ka.A1/2412/2021 dated 23.07.2021, on the file of the first respondent.

2.The second respondent referred a case before the first respondent. In M.C.No.320 of 2020 under Section 110 of Cr.P.C., the petitioner executed a bond before the first respondent for maintaining good behavior for a period of one year from 23.12.2020. Subsequently, a case in Crime No.570 of 2021 under Sections 8(c)



r/w. 20(b)(ii)(B) NDPS Act was registered against the petitioner. On the requisition of the second respondent, the first respondent passed the impugned order under Section 122(1)(b) of Cr.P.C., directing the petitioner to be in custody till 22.12.2021. Against that order, the petitioner preferred this revision petition.

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3.On the side of the petitioner, it is stated that the petitioner is a cardiac patient. He took treatment in Trichy Hospital in ICU. He was diagnosed as having cardiac arrest and already he has undergone Angiogram and this is second cardiac attack. No witness was examined by the first respondent before detaining the petitioner and prayed the impugned order to be set aside.

4.On the side of the respondents, it is stated that the petitioner violated the bond on 23.12.2020. He was already having seven previous cases of similar nature. In five of the cases, he was convicted. The petitioner is a habitual offender and he took treatment in government hospital and his health condition is now stable and prayed the petition to be dismissed.

5.It is seen that the second respondent registered a case in Crime No.74 of 2020 under Section 110 of Cr.P.C., and the second respondent initiated proceedings before the first respondent and the petitioner executed a bond in M.C.No.320 of 2020 on 23.12.2020 to maintain good behavior for a period of one year. Subsequently, the petitioner involved in another offence in Crime No.570 of 2021 under Sections 8(c) r/w. 20(b)(ii)(B) NDPS Act and has violated the bond.

6.A perusal of the medical records reveals that he was admitted as 'in patient' from 16.11.2020 till 20.11.2020 and he was discharged in a stable condition. A perusal of records reveals that no show cause notice was given to the petitioner. No witness was examined. No enquiry was conducted before passing the impugned order. Since no enquiry was conducted by the first respondent, the impugned order passed by the first respondent is devoid of merits and is liable to be set aside.

7.In the result, the Criminal Revision Case is allowed. The petitioner is directed to be released forthwith, unless his presence is required in any other case. Consequently, miscellaneous petition are closed.

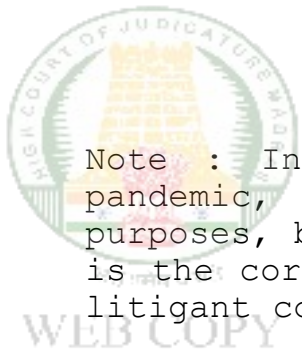
Sd/-

Assistant Registrar (CS II)

// 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 First Class Executive Magistrate and
Revenue Divisional Officer,
O/o. The revenue Divisional Officer,
Karur District.
- 2.The Inspector of Police,
Pasupathipalayam Police Station,
Karur District.
- 3.The Superintendent of Prison,
Central Prison,
Trichirappalli.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl. R.C.(MD)No.706 of 2021
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MGJ/SKN(22.11.2021) 3P 5C