



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 04.01.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.730 of 2020

and

Crl.M.P.(MD)No.7836 of 2020

WEB COPY

K.Manicka Raja

..Petitioner/Solo Accused

Vs.

1.The Executive Magistrate cum
Revenue Divisional Officer,
Kovilpatti.

2.The Inspector of Police,
Kovilpatti West Police Station,
Kovilpatti.

..Respondent

Prayer : This criminal revision case is filed under Sections 397 and 401 of Cr.P.C., to call for the records relating to the impugned order, dated 06.11.2020, in Na.Ka.A1/7243/2020 on the file of the Executive Magistrate cum Revenue Divisional Court, Kovilpatti.

For Petitioner : Mr.Sivasubramanian. A.

For Respondents : Mrs.S.Bharathi

Government Advocate

ORDER

This Criminal Revision Case has been filed to set aside the order passed by the first respondent, in Na.Ka.A1/7243/2020, dated 06.11.2020.

2.The petitioner has executed a bond for maintaining peace for a period of one year on 17.08.2020, before the first respondent. Subsequently, on 17.10.2020, the petitioner involved in an offence in Crime No.1087 of 2020, under Sections 294(b), 323, 307 and 506 (ii) I.P.C. On the request of the second respondent, the first respondent initiated proceedings under Section 122 (1)(b) Cr.P.C. and passed the impugned order. Against the impugned order, the petitioner preferred this Criminal Revision.

3. On the side of the petitioner, it is stated that no opportunity was given to the petitioner. Copies of documents were not furnished to the petitioner. The petitioner has not signed any bond. Since, an opportunity was not given to the petitioner, the petitioner could not prove that the bond was executed by him and prayed the impugned order to be set aside.

4. On the side of the respondents, it is stated that show cause notice was served on the petitioner. The petitioner appeared before the first respondent on 04.11.2020 and he has given a



statement that the bond was not executed by him, whereas, the bond was executed by him before the first respondent. Only after giving an opportunity, the impugned order was passed and the reasons were not stated in the impugned order and prayed the petition to be dismissed.

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5. A perusal of the records reveals that the petitioner denied his signature in the bond on 02.11.2020. But, it is seen that no enquiry was conducted by the first respondent. No witness was examined by the first respondent. Only because the petitioner denied his signature in the bond, the impugned order was passed by the first respondent. The merit of the matter was not discussed by the first respondent. The reason for the satisfaction of the first respondent was not recorded.

6. In the above circumstances, the impugned order dated 06.11.2020, in Na.Ka.A1/7243/2020, 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 (P&A)

// 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 cum
Revenue Divisional Officer,
Kovilpatti.
- 2.The Inspector of Police,
Kovilpatti West Police Station,
Kovilpatti.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 4.The Superintendent of Central Prison,Trichy

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SSS (CO)
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