



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.762 of 2021

and

Crl.M.P.(MD)No. 8984 of 2021

WEB COPY

Periyasamy

... Petitioner/Accused

Vs.

1.The II Class Executive Magistrate
and Tahsildar,
Vedasandur Taluk,
Vedasandur.

2.The Inspector of Police,
Vadamadurai Police Station,
Dindigul District.

3.The Superintendent,
District Jail,
Dindigul.

... Respondents/Respondents

Prayer : This Revision Case is filed under Sections 397 r/w. Section 401 of Cr.P.C., to call for the records and allow the revision petition by setting aside the order, dated 28.09.2021 in M.C.No.75/2021/Aa1, on the file of the learned II Class Executive Magistrate and Tahsildar, Vedasandur Taluk, Vedasandur, Dindigul District.

For Petitioner

: Mr.R.Senthil Kumar

For Respondents

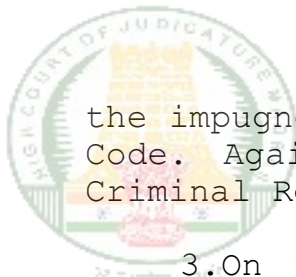
: Mr.K.Sanjay Gandhi

Government Advocate

ORDER

This Revision has been filed against the order, dated 28.09.2021, in M.C.No.75/2021/Aa1, on the file of the learned Second Class Executive Magistrate and Tahsildar, Vedasandur Taluk, Vedasandur, Dindigul District.

2. The first respondent registered a petition in LIR.No.51 of 2021, under Section 109 of the Criminal Procedure Code and preferred a case to the first respondent on 25.08.2021. The petitioner executed a bond to maintain good behaviour for a period of six months. But, subsequently, the petitioner involved in an offence in Crime No.837 of 2021, under Section 7(1)(3) TNLR Act and under Section 420 I.P.C. He was remanded on 13.09.2021, the second respondent informed the first respondent regarding the violation of bond conditions. The first respondent conducted enquiry and passed



the impugned order under Section 122(1)(b) of the Criminal Procedure Code. Against the impugned order, the Petitioner preferred this Criminal Revision Petition.

3.On the side of the revision petitioner, it is stated that sufficient opportunity was not given to the accused to defend the case by engaging a Counsel. Legal aid Counsel was also not appointed by the respondent. Offence under Sections 7(1) and 7(3) of Tamil Nadu Lotteries Regulation Act was not included in the specific provision set out under Sections 107, 109 and 110 of the Criminal Procedure Code and prayed the impugned order to be set aside.

4.On the side of the prosecution, it is stated that the petitioner has executed a bond on 25.08.2021 and has violated the bond condition on 13.09.2021. The first respondent conducted proper enquiry and passed the impugned order. It is further stated that there is one more previous case of the same nature pending against the petitioner in Crime No.338 of 2019, under Section 7(1) and 7(3) Tamil Nadu Lotteries Regulation Act.

5.A perusal of the impugned order reveals that an enquiry was conducted on 24.09.2021 and the impugned order was passed on 28.09.2021. On the side of the petitioner, it is stated that the petitioner was granted bail in the criminal case pending before the Trial Court. The impugned order is silent whether the petitioner was given copies of the documents and whether the petitioner was permitted to cross examine the witnesses.

6.Considering the nature of offence and considering the fact that sufficient opportunity was not given to the petitioner, this Court is inclined to allow the Revision.

7. In the above circumstances, the impugned order, dated 28.09.2021, passed by the first respondent in M.C.No.75/2021/Aa1, is hereby set aside. This Criminal Revision Case is allowed. The petitioner is directed to be released forthwith, unless his presence is required in any other case. Consequently, connected Miscellaneous Petition is closed.

Sd/-

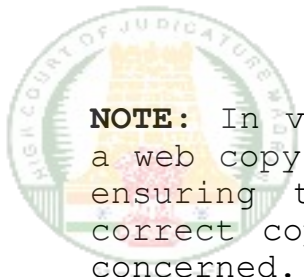
Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

lr/sn



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.

WEB COPY

To

- 1.The II Class Executive Magistrate
and Tahsildar,
Vedasandur Taluk,
Vedasandur.
- 2.The Inspector of Police,
Vadamadurai Police Station,
Dindigul District.
- 3.The Superintendent,
District Jail,
Dindigul.

Order made in
Crl. R.C. (MD)No.762 of 2021
and
Crl.M.P. (MD)No. 8984 of 2021
11.11.2021

PS (CO)
GC/PM(16.11.2021) 3P 4C