



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.11.2021

CORAM:

THE HONOURABLE MRS.JUSTICE R.THARANI

Crl.R.C. (MD)No.804 of 2021

and

Crl.M.P. (MD)No.9344 of 2021

WEB COPY

Manithiramoorthy

... Petitioner/Detenu

vs.

- 1.The Sub-Divisional Magistrate/
The Revenue Dvisional Officer,
Kovilpatti,
Kovilpatti Taluk,
Thoothukudi District.
- 2.The Inspector of Police,
Kovilpatti East Police Station,
Kovilpatti,
Thoothukudi District.
- 3.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli District.
- 4.The Superintendent of Prison,
District Jail,
Peravurani,
Thoothukudi District.

... Respondents/Complainant

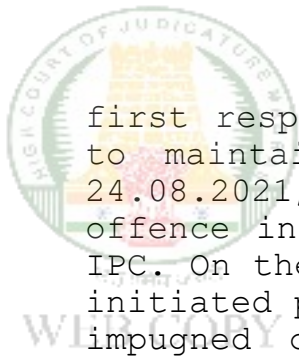
PRAYER : Criminal Revision Petition is filed under Section 397 r/w 401 of the Code of Criminal Procedure, to call for the records pertaining to the order dated 15.09.2021 passed by the first respondent/the Sub-Divisional Magistrate/the Revenue Dvisional Officer, Kovilpatti, Kovilpatti Taluk, Thoothukudi District, in Na.Ka.A1/6441/2021 and set aside the same as illegal.

For Petitioner : Mr.N.Pragalathan
For Respondents : Mr.K.Suresh Kumar
Government Advocate

O R D E R

This Criminal Revision Petition has been filed to set aside the order in Na.Ka.A1/6441/2021, dated 15.09.2021, passed by the first respondent.

2. The second respondent registered a case against the petitioner and referred the matter to the first respondent. The



first respondent obtained a bond from the petitioner on 19.07.2021 to maintain peace for a period of one year. Subsequently, on 24.08.2021, the petitioner was alleged to have involved in an offence in Crime No.947 of 2021 under Sections 294(b), 323 and 307 IPC. On the reference by 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 has preferred this Criminal Revision Petition.

3. On the side of the revision petitioner, it is stated that no show cause notice was issued to the petitioner. Copies were not furnished to the petitioner. No enquiry was conducted. No witness was examined and the impugned order was passed only in a mechanical manner and prayed the petition to be set aside.

4. On the side of the prosecution, it is stated that the petitioner is having 17 previous cases. Out of which, the petitioner was convicted in one case. Only after considering the relevant records and by following the procedures in the proper manner, the impugned order was passed by the first respondent and prayed the petition to be dismissed.

5. A perusal of the records reveals that copies of documents were not furnished to the petitioner. No witness was examined and no enquiry was conducted.

6. In the above circumstances, the impugned order in Na.Ka.A1/6441/2021, dated 15.09.2021, passed by the first respondent is 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-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

csn/mga

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/
The Revenue Divisional Officer,
Kovilpatti,
Kovilpatti Taluk,
Thoothukudi District.
- 2.The Inspector of Police,
Kovilpatti East Police Station,
Kovilpatti,
Thoothukudi District.
- 3.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli District.
- 4.The Superintendent of Prison,
District Jail,
Peravurani,
Thoothukudi District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.N. PRAGALATHAN, Advocate (SR-34788[F] dated 17/11/2021)
Crl.R.C. (MD)No.804 of 2021
and
Crl.M.P. (MD)No.9344 of 2021
16.11.2021

TP (CO)
GC (29.11.2021) 3P 7C