



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2021

CORAM:

THE HONOURABLE MRS.JUSTICE R.THARANI

Crl.R.C. (MD)No.843 of 2021

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Surya

... Petitioner/Detenu

vs.

1.The Sub-Divisional Magistrate/The Revenue
Divisional Officer,Kovilpatti,Kovilpatti Taluk,
Thoothukudi District.

2. The Inspector of Police,
Kovilpatti West 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/Complainants

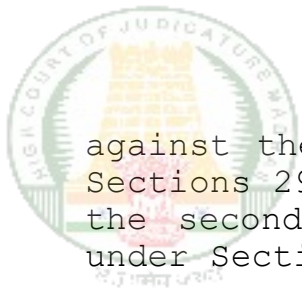
PRAYER : Criminal Revision Petition is filed under Section 397 r/w 401 of the Code of Criminal Procedure, to call for the records pertaining to the order dated 25.09.2021 passed by the first respondent/the Sub Divisional Magistrate/the Revenue Divisional Officer, Kovilpatti, Kovilpatti Taluk, Thoothukudi District in Mc.565/2021 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 has been filed to set aside the order dated 25.09.2021 passed by the first respondent/the Sub Divisional Magistrate/the Revenue Divisional Officer, Kovilpatti, Kovilpatti Taluk, Thoothukudi District in Mc.565/2021.

2. On the reference made by the second respondent, the first respondent initiated proceedings under Section 111 CrI.P.C. The petitioner executed a bond on 06.09.2021 to maintain good behavior for a period of one year. Subsequently, a case was registered



against the petitioner on 21.09.2021 in Crime No.836 of 2021 under Sections 294(b), 307 and 506(ii) IPC and on the information given by the second respondent, the first respondent initiated proceedings under Section 122(1)(b) of Cr.P.C and has passed the impugned order.

3. On the side of the petitioner, it is stated that no show cause notice was served. Only date was fixed for the appearance on 23.09.2021, but the impugned order was passed and on the same date, the copies were not furnished to the petitioner and though it was mentioned in the order that 2 witnesses were examined by the first respondent, copies of their statements were not furnished to the petitioner. The petitioner was not given any legal assistance. He was not given opportunity to cross examine the witnesses and prayed the impugned order to be set aside.

4. On the prosecution, it is stated that the petitioner has violated the bond and the petitioner is having 11 previous cases and he is a history sheeted person and H.S.No.181 of 2018 is maintained against him. It is further submitted that though the petitioner has already involved in 11 previous cases out of which 7 cases are grievous in nature.

5. On the side of the petitioner, a judgment of this Court reported in **2019(2) MWN Crl.136 (P.Sathish @ Sathish Kumar Vs. State rep. by the Inspector of Police, Law and Order, Chennai 21 and another** and a judgment of this Court in Crl.R.C.No.233 of 2021 dated 29.03.2021 are cited.

6.A perusal of the impugned order reveals that there was no statement in the order regarding furnishing of copies to the petitioner and the order is not clear whether opportunity for the petitioner to cross examine the witnesses was given by the first respondent. The statement of the petitioner was not discussed in the impugned order and the order was passed on the same date of enquiry only because there were 11 previous cases against the petitioner, the impugned order was passed by the first respondent. In view of the same, the impugned order is hereby set aside and liberty is given to the first respondent to initiate fresh proceedings if there is any necessity.

7. With the above direction, this revision petition is allowed.

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.

WEB COPY

To

- 1.The Sub-Divisional Magistrate/The Revenue Divisional Officer,Kovilpatti,Kovilpatti Taluk, Thoothukudi District.
2. The Inspector of Police, Kovilpatti West 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.

COPY TO:

The Section officer, Criminal Records,
Madurai Bench Of Madras High Court, Madurai. (2 copies)

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-37693[F] dated 07/12/2021)

Crl.R.C. (MD)No.843 of 2021

07.12.2021

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