



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

CrI. R.C.(MD)No.809 of 2021

and

CrI.M.P.(MD)No.9494 of 2021

Sannasi @ Sannasi Pandian

.. Petitioner/Detenu

Vs.

1.The Sub-Divisional Magistrate/ The Revenue Divisional Officer,
Pudukottai,
Pudukottai District.

2.The Inspector of Police,
Thirukkokarnam Police Station,
Thirukkokarnam,
Pudukottai District.

3.The Superintendent of Prison,
Central Prison,
Trichy,
Trichy District.

4.The Superintendent of Prison,
Borstal School and District Prison,
Pudukottai,
Pudukottai District.

.. Respondents/Complainant

Prayer : This Revision Case is filed under Sections 397 r/w. Section 401 of Cr.P.C., to call for the records pertaining to the order dated 24.09.2021 passed by the first respondent/The Sub-Divisional Magistrate/The Revenue Divisional Officer, Pudukottai, Pudukottai District in CRPC Case No.51/2021 and set aside the same as illegal .

For Petitioner
For Respondents

: Mrs.P.Krishnaveni
: Mr.K.Sanjay Gandhi
Government Advocate

ORDER

This Criminal Revision has been filed to set aside the order passed by the first respondent in CRPC Case No.51 of 2021, dated 24.09.2021.

2.The second respondent registered a case in Crime No.597/2021 under section 110 of Cr.P.C and referred the case to the first respondent herein. On enquiry, the petitioner executed a bond on 12.07.2021 to the maintain peace for a period of one year. Subsequently, on 13.07.2021, a case in Crime No.604 of 2021 under



Section 387, 506(ii) of I.P.C. was registered against the petitioner. The second respondent again referred the matter to the first respondent. The first respondent passed an order of detention in M.C.No.51 of 2021. Against the impugned order, the petitioner approaches this Court by way of this Revision.

WEB COPY

3. On the side of the petitioner, it is stated that without giving an opportunity to the petitioner, the first respondent passed an order in M.C.No.51 of 2021. on 24.09.2021, the first respondent failed to conduct an enquiry. No legal assistance was given to the petitioner. Copies of the documents were not furnished to the petitioner and learned Executive Magistrate has no power to invoke Section 122 (1) (b) of Cr.P.C., for the violation of the bond, which was executed under Section 110 (e) of Cr.P.C.

4. On the side of the prosecution, it is stated there are six previous cases against the petitioner. The petitioner executed a bond on 12.07.2021, subsequently, the next day, ie.13.07.2021, the petitioner violated the conditions in the bond and only after proper enquiry the impugned order was passed by the first respondent.

5. A verification of the records reveals that a subsequent case was registered against the petitioner on 13.07.2021 and the impugned order passed on 24.09.2021. There is nothing mentioned in the impugned order as to whether summon was served on the petitioner; whether copies were furnished to the petitioner; and whether legal assistant was given to the petitioner. The date of examination of the witness was also not mentioned in the impugned order and the explanations given by the petitioner before the first respondent is also not mentioned in the impugned order.

6. For the above reasons, it is decided that there is no merit in the impugned order and the impugned order is liable to be set aside.

7. In the above circumstances, the impugned order, dated 24.09.2021, passed by the first respondent in CRPC Case No.51 of 2021, 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-II)

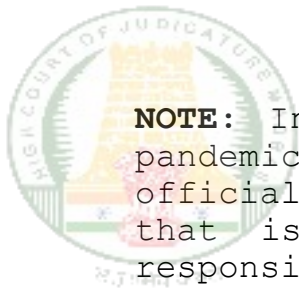
// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sn/lr

<https://hcservices.ecourts.gov.in/hcservices/>



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,
Pudukottai,
Pudukottai District.
- 2.The Inspector of Police,
Thirukkokarnam Police Station,
Thirukkokarnam,
Pudukottai District.
- 3.The Superintendent of Prison,
Central Prison,
Trichy,
Trichy District.
- 4.The Superintendent of Prison,
Borstal School and District Prison,
Pudukottai,
Pudukottai District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.P.KRISHNAVENI, Advocate (SR-34242[F] dated
12/11/2021)

Crl. R.C. (MD) No.809 of 2021
11.11.2021

PS (CO)
KB (17.11.2021) 3P 7C