



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 18.11.2021

CORAM

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.841 of 2021
and
Crl.M.P.(MD)No.9831 of 2021

Mayee @ Mayakrishnan

.. Petitioner/Accused

Vs.

1.The Second Class Executive Magistrate Cum
Tahsildar,
Dindigul West,
Dindigul District.

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

3.The Superintendent of Prison,
Dindigul District Prison,
Dindigul District.

.. Respondents / Respondents

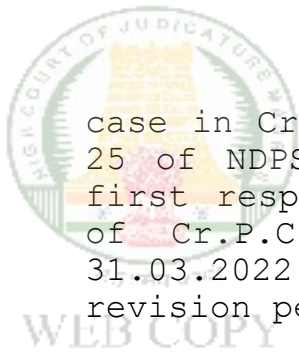
Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the records and to set aside M.C.No.148/2021/A5 dated 21.10.2021 on the file of the second class executive magistrate cum Tahsildar, Dindigul west and to release the petitioner.

For Petitioner	: Mr.B.Pandiarajan
For Respondents	: Mr.K.Suresh Kumar
	Government Advocate

ORDER

This petition has been filed to set aside the proceedings passed in M.C.No.148/2021/A5 dated 21.10.2021, on the file of the first respondent.

2.The second respondent referred a case in LIR.No.22 of 2021 under Section 110 of Cr.P.C., dated 08.07.2021 before the first respondent. In M.C.No.148/2021/A5, the petitioner executed a bond before the first respondent for maintaining good behavior for a period of six months. Subsequently, the petitioner was arrested in a



case in Crime No.548 of 2021 under Sections 8(c) r/w. 20(b)(ii)(B), 25 of NDPS Act. On the requisition of the second respondent, the first respondent passed the impugned order under Section 122(1)(b) of Cr.P.C., directing the petitioner to be in custody till 31.03.2022. Against that order, the petitioner preferred this revision petition.

3.On the side of the petitioner, it is stated that the bond was obtained forcibly from the petitioner. The petitioner's previous involvement in the criminal case is 2014. There was no case against the petitioner for the past seven years. All of a sudden, the second respondent referred a case before the first respondent and the first respondent forcibly obtained a bond from the petitioner. After seven days, the first respondent registered a false case against the petitioner. The petitioner was called upon to appear before the first respondent. The copies were not furnished to the petitioner and that no opportunity was given to the petitioner. The order was passed on the same date and prayed the impugned order to be set aside.

4.On the side of the respondents, it is stated that the petitioner was having three previous cases including a case in the year 2019. The petitioner violated bond conditions within a week from the date of execution of the bond. Only after following the procedures, the impugned order was passed by the first respondent.

5.It is seen that two cases were registered under NDPS Act in the year 2014 and one case was registered under NDPS Act in the year 2019. The enquiry was conducted on 20.10.2021. The impugned order was passed on 21.10.2021. Whether copies were furnished to the petitioner was not mentioned in the impugned order and that whether opportunity was given to the petitioner to cross examine was not mentioned in the impugned order. The impugned order passed by the first respondent is liable to be set aside. The respondents are at liberty to take fresh proceedings, if there is any necessity.

6.In the result, the 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/-

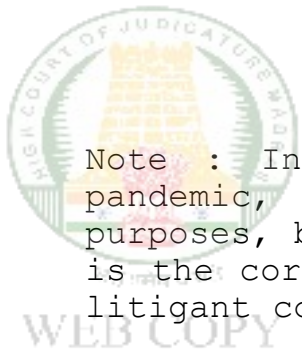
Assistant Registrar(AS)

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/ /2021

Sub Assistant Registrar(CS)

Mrn



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 Second Class Executive Magistrate Cum
Tahsildar,
Dindigul West,
Dindigul District.
- 2.The Inspector of Police,
Kannivadi Police Station,
Dindigul District.
- 3.The Superintendent of Prison,
Dindigul District Prison,
Dindigul District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl. R.C.(MD)No.841 of 2021

(CO)

TR(19.11.2021) 3P 5C