



WEB COPY

Crl. R.C.(MD)No.880 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 30.11.2021

CORAM

THE HONOURABLE MRS.JUSTICE R. THARANI

Crl. R.C.(MD)No.880 of 2021

and

Crl.M.P.(MD)No.10432 of 2021

Vignesh

... Petitioner/Accused

Vs.

State rep. By

1.The II Class Executive Magistrate,
cum Tahsildar, Dindigul West,
Dindigul.

... 1st Respondent/Executive Magistrate

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

... 2nd Respondent/Complainant

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 the order passed by the learned II Class Executive Magistrate cum Tahsildar, in Na.Ka.No.07/2021/A1 dated 08.11.2021.

For Petitioner
For Respondents

: Mr.J.Imran Khan
: Mr.K.Suresh Kumar
Government Advocate

ORDER

This petition has been filed to set aside the proceedings passed in Na.Ka.No.07/2021/A1 dated 08.11.2021, on the file of the first respondent.

2.The second respondent referred a case in LIR.No.50 of 2021 under Section 110(e) of Cr.P.C., before the first respondent. In M.C.No.195/2021/A1, on 13.10.2021 the petitioner executed a bond before the first respondent for maintaining good behavior for a period of six months. Subsequently, the petitioner involved in a case in Crime No.1132 of 2021 under Sections 8(c), 20(b)(ii)(B) and 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 12.04.2022. Against that order, the petitioner preferred this revision petition.

3.On the side of the petitioner, it is stated that a false case has been foisted against the petitioner. The case was registered for statistical purpose. The first respondent without



applying his mind, has mechanically passed the order. Sufficient opportunity was not given to the petitioner. The ground for detention was not specially mentioned in the order and prayed the impugned order to be set aside.

4. On the side of the respondents, it is stated that the petitioner has executed a bond to maintain good behavior for a period of six months. Subsequently, he involved in an offences and violated the condition imposed in the bond. The petitioner was having previous case is Crime No.281 of 2019 under Section 8(c) and 20(b)(ii)(B) of NDPS Act. The first respondent after enquiry and after verifying the records, has passed the impugned order and prayed the petition to be dismissed.

5. A perusal of the records reveals that nothing was stated in the impugned order regarding the furnishing of the copies to the petitioner. The petitioner was produced before the first respondent on 08.11.2021 and the impugned order was passed on the same date. There is a mentioning in the impugned order that there was no necessity to give an adjournment for the petitioner. This clearly reveals that sufficient opportunity was not given to the petitioner. The statement of the petitioner regarding the proceedings was not mentioned in the impugned order. The impugned order is liable to be set aside.

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 (CO)

// True Copy //

/ /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 Superintendent of Prison,
District Prison,
Dindigul.

3.The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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RS (03.12.2021) 3P 5C