



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2021

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.882 of 2021
and
Crl.M.P.(MD)No.10477 of 2021

S.Kulam Maideen

.. Petitioner

Vs.

1.The Executive Magistrate Cum
Revenue Divisional Officer,
Aranthangi Taluk,
Pudukkottai District.

2.State rep. through
The Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.

(In Crime No. 910 of 2021.)

.. Respondents

Prayer : This Revision Case is filed under Sections 397 and 401 of Cr.P.C., to call for the records and set aside the order dated 16.08.2021 made in M.C.No.52/2021/A2 on the file of Executive Magistrate cum Revenue Divisional Officer, Aranthangi, Pudukkottai District and to allow the Criminal Revision.

For Petitioner

: Mr.M.Suresh

For Respondents

: Mr.K.Suresh Kumar
Government Advocate

ORDER

This Criminal Revision has been filed to set aside the order, dated 16.08.2021, made in M.C.No.52/2021/A2, on the file of the first respondent.

2.On the reference made by the second respondent, the first respondent initiated the proceedings in M.C.No.42 of 2021 and on 05.07.2021. The petitioner executed a bond to maintain good behaviour for a period of six months. But, subsequently, a case in Crime No.910 of 2021, under Sections 294(b) and 506(ii) I.P.C. was registered against the petitioner. On the reference from the second respondent, the first respondent initiated proceedings under Section 122 (1)(b) Cr.P.C and passed the impugned order, dated 16.08.2021. Against the impugned order, the petitioner has approached this Court by way of this Revision.



3. On the side of the revision petitioner, it is stated that no opportunity was given to the petitioner. Subsequently, a case was registered on 08.08.2021 and the impugned order was passed on 16.08.2021, without conducting any enquiry and without providing any opportunity to the petitioner and prayed the order to be set aside.

4. On the side of the prosecution, it is stated that the petitioner has violated the bond conditions executed by him, by his involvement in a subsequent offence. The petitioner is having three previous cases. Only after following all the procedures properly, the impugned order was passed by the first respondent.

5. Whether notice was issued to the petitioner, whether copies were furnished to the petitioner, whether the first respondent has examined any witnesses were not mentioned in the impugned order. It is seen that no opportunity was given to the petitioner and the objection raised by the petitioner was not mentioned in the impugned order. The impugned order is devoid of merits and hence, the impugned order, dated 16.08.2021, made in M.C.No.52/2021/A2, on the file of the first respondent, 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 III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Ls

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 Judicial Magistrate, Aranthangi,
Pudukkottai District.

2.The Executive Magistrate Cum
Revenue Divisional Officer,
Aranthangi Taluk, Pudukkottai District.

3.The Inspector of Police,
Police Station, Pudukkottai District.

<https://hcservices2.ecourts.gov.in/hcservices2/>



4.The Superintendent of Central Prison, Trichy.

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

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+1 CC to M/s.M.SURESH, Advocate (SR-36814[F] dated 01/12/2021)

Crl. R.C.(MD)No.882 of 2021

01.12.2021

MGJ(01.12.2021) 3P 7C