



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C. (MD)No.947 of 2021

WEB COPY

Veeramani

.. Petitioner/Respondent

Vs.

1.The II Class Executive Magistrate Cum
Revenue Tahsildhar,
Uthamapalayam, Theni District.

..1st Respondent/Executive Magistrate

2.The Inspector of Police
Cumbum North Police Station,
Uthamapalayam, Theni District.
LIR.No.67 of 2021.

..2nd Respondent/Complainant

3.The Superintendent,
District Prison, Theni.

..3rd Respondent/Respondent

Prayer : This Revision Case is filed under Sections 397 r/w. Section 401 of Cr.P.C., to call for the records relating to the order of the first respondent by his proceedings in Na.Ka.No.8384/2021/A8, dated 17.11.2021 and set aside the same as illegal and allow the above Criminal Revision Petition.

For Petitioner

: Mr.M.Jegadeesh Pandian

For Respondents

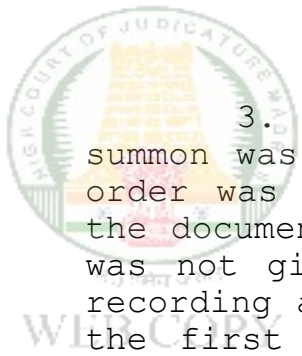
: Mrs.M.Aasha

Government Advocate

ORDER

This Criminal Revision has been filed to set aside the order, passed by the first respondent, in Na.Ka.No.8384/2021/A8, dated 17.11.2021.

2. The second respondent registered a case against the petitioner in L.I.R. No.67 of 2021 and referred the matter to the first respondent. The first respondent, after enquiry, obtained a bond from the petitioner to maintain good behavior for a period of one year ie. from 28.08.2021 to 27.08.2022. Subsequent to the execution of the bond, the petitioner involved in another criminal offence in Crime No.674 of 2021, under Sections 294(b), 324, 506 (ii) I.P.C. r/w. Section 4 of TNPWH Act. On the intimation given by the second respondent, the first respondent initiated proceedings under Section 122 (1) (b) of Cr.P.C. and passed the impugned order, on 17.11.2021, in Na.Ka.No.8384/2021/A8. Against the impugned order, the petitioner has approached this Court by way of this Revision.



3. On the side of the petitioner, it is stated that the summon was served on the petitioner on 16.11.2021 and the impugned order was passed on the very next day (ie.17.11.2021). Copies of the documents were not furnished to the petitioner. The petitioner was not given opportunity to cross examine the witnesses. Without recording any satisfactory reason, the impugned order was passed by the first respondent and prayed the impugned order to be set aside.

4. On the side of the prosecution, it is stated that the petitioner is a habitual offender and he used to indulge in criminal activities. The petitioner involved in 14 previous cases. A History Sheet in H.S.No. 797 /2014 was maintained against the petitioner. Only after serving summon on the petitioner and after following the procedures properly, the impugned order was passed by the first respondent and prayed the Revision to be dismissed.

5.It is seen that the petitioner has executed a bond on 28.08.2021, to maintain good behavior for a period of one year. Subsequently, a case in Crime No.674 of 2021, under Sections 294 (b), 324, 506 (ii) I.P.C. r/w. Section 4 of TNPWH Act, was registered against the petitioner. It is seen that the enquiry was conducted on 12.11.2021 and on 16.11.2021. The statement of the petitioner was recorded and the statements of the witnesses were recorded. In the impugned order, it is stated that opportunity was given to the petitioner for submitting his explanation and the statement of the petitioner was also recorded by the first respondent.

6. Whether copies were furnished to the petitioner was not stated in the impugned order. The statement given by the petitioner was not discussed by the first respondent. The satisfaction of the first respondent was not recorded in the impugned order. In the above circumstances, the impugned order passed by the first respondent, in Na.Ka.No.8384/2021/A8, dated 17.11.2021, is hereby set aside. Considering the fact that there are number of cases (14) pending against the petitioner, the first respondent is at liberty to conduct enquiry afresh and pass any suitable orders as per law, if there is any such necessity.

7. With the above direction, this Criminal Revision Case is allowed.

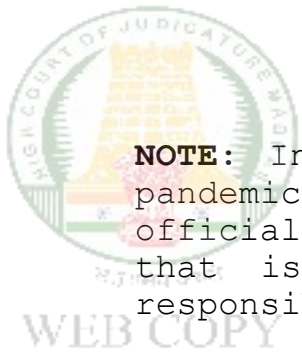
Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

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.

To

- 1.The II Class Executive Magistrate Cum
Revenue Tahsildhar,
Uthamapalayam, Theni District.
- 2.The Inspector of Police
Cumbum North Police Station,
Uthamapalayam, Theni District.
LIR.No.67 of 2021.
- 3.The Superintendent,
District Prison,
Theni.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl. R.C.(MD)No.947 of 2021
21.12.2021

SAR(CO)
KB(31.12.2021) 3P 5C