



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 22.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

CrI. R.C.(MD)No.962 of 2021

Palpandi

.. Petitioner

Vs.

1.The Second Class Taluk Executive
Magistrate Cum Revenue Tahsildar,
Nilakottai,
Dindigul District.

2.The State Rep. By,
Inspector of Vilampatty Police Station,
Nilakottai Taluk,
Dindigul District.

.. Respondents

Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the entire records pertaining to the order passed by the first respondent herein in M.C.No.23/2021/A5 dated 15.11.2021 and to set aside the same and to release the revision petitioner confined in the Dindigul District prison.

For Petitioner

: Mr.S.Sarvagan Prabhu

For Respondents

: Mr.R.Suresh Kumar

Government Advocate

ORDER

This petition has been filed to set aside the proceedings passed in M.C.No.23/2021/A5 dated 15.11.2021, on the file of the first respondent.

2.The second respondent referred a case in LIR.No.66 of 2021 before the first respondent. In M.C.No.225/2021, dated 18.10.2021 the petitioner executed a bond before the first respondent for maintaining good behavior for a period of one year. Subsequently, the petitioner involved in a case in Crime No.468 of 2021 under Sections 294(b), 323 and 506(ii) of IPC. 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 17.10.2022. Against that order, the petitioner preferred this revision petition.



3.On the side of the petitioner, it is stated that the petitioner was produced on PT warrant on 15.11.2021 and on the same date, the impugned order was passed by the first respondent. The copies were not furnished to the petitioner and no opportunity was given to the petitioner. Legal assistance was not provided to the petitioner and prayed the impugned order to be set aside.

4.On the side of the respondents, it is stated that the petitioner has executed the bond on 18.11.2021. By violating the conditions imposed in the bond, the petitioner involved in another offence in Crime No.468 of 2021. The petitioner is a habitual offender and a history sheeter and H.S.No.111 of 2019 was maintained against the petitioner. The petitioner is having seven previous cases and prayed the petition to be dismissed.

5.A perusal of the order reveals that the petitioner was produced before the first respondent on 15.11.2021 and on the same date, the impugned order was passed. Whether copies were furnished to the petitioner was not mentioned in the impugned order. Sufficient opportunity was not given to the petitioner. In the above circumstances, 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.

Sd/-

Assistant Registrar (AS)

// 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 Taluk Executive
Magistrate Cum Revenue Tahsildar,
Nilakottai,
Dindigul District.

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

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



3.The Superintendent of Prison,Sub Jail, Palani, Dindigul District.

4.The Inspector of Vilampatty Police Station,
Nilakottai Taluk,
Dindigul District.

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

Crl. R.C.(MD)No.962 of 2021
22.12.2021

MGJ(23.12.2021) 3P 6C