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Crl.R.C.No.1288 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2022

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1288 of 2017

Senthil Kumar @ Aadu Senthil

... Petitioner

Vs.

1.The Magistrate cum the Deputy Commissioner of Police,
Ambattur District.

2.State by,
The Inspector of Police,
T6-Avadi Police Station,
Ambattur District.
Crime No.1100 of 2017

... Respondents

Prayer: Criminal Revision Case is filed under Section 397 and 401 of Cr.P.C., to set aside the detention order passed against the petitioner to imprisonment for 363 days in the proceedings in C.No.402/Sec.Pro./DC Amb/2017 dated 01.09.2017 on the file of the Magistrate cum the Deputy commissioner of Police, Ambattur District.

For Petitioner : Mr.S.Silambu Selvan

For Respondents : Mr. L.Baskaran,
Government Advocate (Crl.Side)



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ORDER

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This Criminal Revision Case is filed challenging the impugned order passed by the first respondent dated 01.09.2017.

2. The contention of the petitioner is that on 11.07.2017 while the second respondent was on routine patrol duty, had registered a case in Crime No.1100 of 2017 under Section 107 of Cr.P.C., and arrested. After obtaining bond under Section 107 Cr.P.C., the petitioner was released on bail. The petitioner had a previous case in Crime No.923 of 2017 for the offences under Sections 294(b), 323, 324 and 506(ii) IPC. The second respondent filed a report before the first respondent. Hence, a proceeding was initiated by the first respondent on 23.08.2017. At that time, the petitioner had given an undertaking and executed a bond for keeping the peace and maintaining the peace. This being so, on 24.08.2017, the second respondent once again registered a case in Crime No.1266 of 2017 for the offences under Sections 294(b), 324, 506(ii) IPC. Hence, the impugned proceedings have been initiated and the bond was cancelled and he was confined to prison to serve the rest of the bond period.



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3. The further contention of the learned counsel for the petitioner is that the case projected against the petitioner is false. Next day after the execution of the bond, the case in Crime No.1266 of 2017 was registered and thereafter, he was sent to prison. The petitioner filed a petition for suspension of sentence in Crl.M.P.No.12434 of 2017 and this Court considering the reason in the petitioner's submission, had suspended the sentence and released the petitioner on bail by order dated 13.10.2017. In the meanwhile, Crime No.1266 of 2017 culminated into a charge sheet in C.C.No.87/2018 and the trial Court by judgment dated 13.06.2019 acquitted the petitioner from all the charges in Crime No.1266 of 2017. Hence, the above impugned order has becomes infructuous.

4. Learned Government Advocate (Crl.Side) would submit that the case in Crime No.1266 of 2017 culminated into C.C.No.87 of 2018 and after full fledged trial, the petitioner was acquitted from all charges by a judgment dated 13.06.2019 on the file of Judicial Magistrate-II, Ponnammalle. He also produced a copy of the said judgment.



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5. In view of the submission of the learned Government Advocate,

the impugned order dated 01.09.2017 has become infructuous.

Accordingly, the Criminal Revision Case is disposed off.

22.12.2022

AT

Index : Yes/No

Speaking / Non-speaking

To

1.The Magistrate cum the Deputy Commissioner of Police,
Ambattur District.

2.The Inspector of Police,
T6-Avadi Police Station,
Ambattur District.

3.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR,J.

AT

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