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Crl.RC.1437 of 2022
and
Crl.M.P.No.16017 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.10.2022

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.1437 of 2022

and

Crl.M.P.No.16017 of 2022

Jai Ganesh

...Petitioner/Respondent/Accused

Vs.

1. The Executive Magistrate-cum-
Deputy Commissioner of Police,
St. Thomas Mount District,
Chennai – 16. ...1st Respondent

2. State rep by
The Inspector of Police,
(Law and Order)
S-9, Pazhavanthangal Police Station,
Chennai – 114. ...2nd Respondent/Petitioner/Complainant

The Criminal Revision filed under Section 397 read with 401 of Code of Criminal Procedure seeking to set aside the Order in M.P.No.21 of 2022 in Na.Ka.No.360/Nir.Se.Nadu/Ka.Thu.Aa.Pu.Tho.Ma/2022 vide an Order



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dated 02.09.2022 on the file of the first respondent.

For Petitioner : Mr.S.N.Arunkumar
For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

This Criminal Revision Petition has been filed to set aside the Order
in M.P.No.21 of 2022 in
Na.Ka.No.360/Nir.Se.Nadu/Ka.Thu.Aa.Pu.Tho.Ma/2022 vide an Order
dated 02.09.2022 on the file of the first respondent.

2. The Order passed by the first respondent in M.P.No.21 of 2022 in
Na.Ka.No.360/Nir.Se.Nadu/Ka.Thu.Aa.Pu.Tho.Ma/2022 vide an Order
dated 02.09.2022 against the petitioner and sentencing to undergo 358 days
of imprisonment under Section 122(1) of Cr.P.C for the breach of bond
executed under Section 110 of Cr.P.C., Aggrieved by the same, the
petitioner approached this Court with this revision.



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3. The learned counsel for the petitioner would submit that while the petitioner was involved in the case in connection with Cr.No.1129 of 2019 for the offences under Sections 307, 506 (ii) of IPC r/w. 3 of TNPPDL Act and on the same day he was taken to Police Station and registered a case in S.No.74/S9/Sec.Pro/2022 under Section 110 of Cr.P.C., on 20.08.2022, he was asked to execute the bond for keeping peace and good behaviour for one year and he executed a bond with two sureties.

4. On 28.08.2022, based on the complaint lodged by one Preethi stating that the the petitioner way laid her on 27.08.2022 at 11.00 p.m., and abused her in filthy language and also intimidated with dire consequences. Therefore, the case was registered in Cr.No.180 of 2022 for the offences under Sections 294 (b), 354, 341 and 506(ii) of IPC r/w. 4 of TNPHW Act and arrested him on 28.08.2022. While the petitioner was in judicial custody, he was produced under PT Warrant before the first respondent on 02.09.2022 and on the side of the prosecution, three witnesses were examined. On the same day, the first respondent passed an order sentencing



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him to undergo 358 days imprisonment by its order dated 02.09.2022 in M.P.No.21 of 2022 in Na.Ka.No.360/Nir.Se.Nadu/Ka.Thu.Aa.Pu.Tho.Ma/2022 and the said Order is a violation of principle of natural justice as well as statutory provisions. However, without giving opportunity to engage a counsel and also without participating in the trial and without defending his case, he was produced under PT Warrant and on the same day, the enquiry was conducted and closed and imprisonment was ordered which warrants interference.

5. The learned Additional Public Prosecutor would submit that the earlier case in Cr.No.1129 of 2019 for the offences under Sections 307, 506 (ii) of IPC r/w. 3 of TNPPDL Act and the petitioner was released on his good behaviour and on account of bond under Section 110 of Cr.P.C., During the bond period, the petitioner had violated the condition and he involved another crime and the same was registered in Cr.No.180 of 2022. Therefore, he was arrested and remanded to judicial custody. Subsequently, he was produced under PT Warrant before the first respondent, the first



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respondent had given opportunity to him to engage a counsel and after giving opportunity to engage a counsel, the impugned order was passed on merit and disposed the case. Therefore, there is no violation of any statutory provisions or violation of principle of natural justice.

6. Heard both side counsel and perused the records.

7. Admittedly, the earlier case was registered against the petitioner in Cr.No.1129 of 2019 for the offences under Sections 307, 506 (ii) of IPC r/w. 3 of TNPPDL Act for which, the petitioner was asked to execute the bond for keeping peace and good behaviour for one year and he executed a bond with two sureties. During the said bond period, the petitioner was alleged to have involved in another crime and the case was registered in Cr.No.180 of 2022 for the offences under Sections 294 (b), 354, 341 and 506(ii) of IPC r/w. 4 of TNPHW Act. Subsequently, he was arrested. Since he violated the bond condition, he was produced under PT Warrant before



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the first respondent. The first respondent had given all the opportunities to him and finally found that the petitioner had violated the bond conditions. Therefore, the punishment was imposed on him. Hence, this Court finds that all the opportunities were provided to him and he also engaged a counsel. The learned counsel for the petitioner has not cross-examined and contested the case as every opportunity was given to the petitioner. Therefore, this Court does not find any violation of statutory provision or principle of natural justice and there is no merit in this case and hence, the case is liable to be dismissed.

Accordingly, this Criminal Revision Case is dismissed.
Consequently, connected Miscellaneous Petition is closed.

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Index : Yes/No
Internet : Yes/No
dh

To

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Madras High Court,
Madras.

P.VELMURUGAN, J.,

dh

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